

REPORT ON THE
**ALABAMA STATE BOARD OF
VETERINARY MEDICAL EXAMINERS**

Decatur, Alabama



**Department of
Examiners of Public Accounts**

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September 9, 2009

Representative Howard Sanderford
Chairman, Sunset Committee
Alabama State House
Montgomery, AL 36130

Dear Representative Sanderford,

This report was prepared to provide information for use by the Sunset Committee in conducting its review and evaluation of the operations of the Alabama State Board of Veterinary Medical Examiners in accordance with the *Code of Alabama 1975*, Section 41-20-9.

The report contains unaudited information obtained from the management, staff, and records of the Board, in addition to information obtained from other sources.

Please contact me if you have any questions concerning this report.

Sincerely,

Ronald L. Jones
Chief Examiner

Examiner:
Robin Stone

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PROFILE

Purpose/Authority

In 1915, the Legislature established the State Board of Veterinary Medical Examiners, consisting of five members of the State Veterinary Medical Association and graduates of a legally chartered veterinary medical college. All qualified applicants were required to pay a fee of ten dollars for a state license and an annual registration fee of one dollar (Acts of Alabama 1915, No. 82). In 1951, the Legislature amended the act of 1915, requiring board members to be graduates of an accredited veterinary medical college approved by the American Veterinary Medical Association. Fees for license and annual registration were also increased to fifteen dollars and five dollars respectively (Acts of Alabama 1951, No. 945). In 1986, the Legislature reestablished the board in its present form (Acts of Alabama 1986, No. 86-500).

The purpose of the board is to regulate the practice of veterinary medicine and to require the licensing of veterinarians and veterinarian technicians, the certification of euthanasia technicians and the permitting of veterinary and euthanasia facilities. The *Code of Alabama 1975*, Sections 34-29-60 through 34-29-94 and 34-29-130 through 34-29-135, provide the current statutory authority for the operations of the board. In addition, the *Code of Alabama 1975*, Sections 34-29-110 through 34-29-111, which address the professional veterinary wellness program, and Sections 20-2-1 through 20-2-220, which address controlled substances, also apply to the board.

BOARD CHARACTERISTICS

Members and Selection	8 – Each appointed by the governor from a list of three candidates nominated by the Alabama Veterinary Medical Association <i>Code of Alabama 1975</i> , Section 34-29-63(b)
Term	4-year staggered terms. No member can serve more than 13 total years and no more than 2 consecutive terms. <i>Code of Alabama 1975</i> , Section 34-29-63(c), (d), and (e)
Qualifications	6 must be veterinarians who are: <ul style="list-style-type: none">• Currently and validly licensed veterinarians• Graduates of accredited schools of veterinary medicine• Actively employed for 5 years prior to appointment• Continues employment for at least 35 hours per week while serving on the board• Legal residents of the state

	1 must be a licensed veterinary technician 1 must be a consumer <i>Code of Alabama 1975</i> , Section 34-29-64(a)
Racial Representation	No statutory requirement No racial minority members
Geographical Representation	Veterinarian members must be legal residents of the state <i>Code of Alabama 1975</i> , Section 34-29-64
Consumer Representation	1 required by law 1 consumer member serving <i>Code of Alabama 1975</i> , Section 32-29-64(3)
Other Representation	No statutory requirement
Compensation	\$200 per day for each day or portion thereof spent on board business plus mileage and per diem as received by state employees. <i>Code of Alabama 1975</i> , Section 34-29-67
<u>OPERATIONS</u>	
Administrator	Theresa Chandler, Executive Director. Appointed by the board. Annual salary = \$75,953 <i>Code of Alabama 1975</i> , Section 34-29-65(a), payroll documents
Location	2128 6 th Avenue S. E. Building Phase V, Suite 501 Decatur, AL 35602

Type of License	As of 7/22/08	
	Individuals	
	Veterinarian	1,534
	Faculty	69
	Licensed Veterinary Technicians	223
	Certified Euthanasia Technicians	116
	Total Individuals	1,942
	Facilities	
	Veterinary Premises	544
	Registered Animal Euthanasia Facilities	38
	Total Facilities	582
	Source: Executive Director, and the licensing database	
Renewal	<p>Licenses expire December 31 of each year. Licenses not renewed by January 1 are suspended and a late penalty is assessed. There is no grace period for renewal.</p> <p><i>Code of Alabama 1975</i>, Section 34-29-75</p>	
Education Providers in Alabama	<p>Veterinary Medicine:</p> <ul style="list-style-type: none"> • Auburn University College of Veterinary Medicine (full accreditation by the American Veterinary Medical Association) • Tuskegee University School of Veterinary Medicine (currently under limited accreditation by the American Veterinary Medical Association) <p>Veterinary Technology:</p> <ul style="list-style-type: none"> • Jefferson State Community College Veterinary Technology Program—a distance learning program—(currently under provisional accreditation by the American Veterinary Medical Association) <p>Theresa Chandler, Executive Director</p>	

Examinations

The board contracts with the American Association of State Veterinary Boards (AASVB) to provide the national examinations for veterinarians (the North American Veterinary Licensing Examination or NAVLE) and veterinary technicians (the Veterinary Technician National Examination or VTNE). The board also contracts with the National Board of Veterinary Medical Examiners (NBVME) to administer the examinations through the Sylvan Centers and grade the exams upon receipt. The AASVB provides all score reporting materials. The NAVLE is given in April and November or December of each year. The VTNE is given in January and June of each year.

Pass/fail rates for 2006, 2007 and 2008 to date are shown below. The NAVLE statistics are stratified by education provider:

NAVLE	Total	Pass	%	Fail	%
2008	17	9	53%	8	47%
Auburn	8	7	87%	1	13%
Tuskegee	8	1	13%	7	87%
Other*	1	1	100%	0	0%

NAVLE	Total	Pass	%	Fail	%
2007	103	83	81%	20	19%
Auburn	72	65	90%	7	10%
Tuskegee	23	13	57%	10	43%
Other*	8	5	63%	3	37%

NAVLE	Total	Pass	%	Fail	%
2006	100	71	71%	29	29%
Auburn	68	55	81%	13	19%
Tuskegee	20	9	45%	11	55%
Other*	12	7	58%	5	42%

*Other includes foreign graduates or out-of-state candidates taking the exam through Alabama.

VTNE	Total	Pass	%	Fail %	
2008	10	4	40%	6	60%
2007	28	18	64%	10	36%
2006	14	9	64%	5	36%

Theresa Chandler, Executive Director

Continuing Education	<p>Veterinarians - 20 hours annually Veterinary technicians - 8 hours annually</p> <p><i>Code of Alabama 1975</i>, Section 34-29-69(8) ASBVME Administrative Code, 930-X-1-.12</p>
Reciprocity	<p>The board may issue a license without a written examination to a qualified applicant who furnishes satisfactory proof of</p> <ul style="list-style-type: none"> • Graduation from an accredited veterinary school • Practicing as a veterinarian for the five years immediately prior to filing his or her application as a practicing veterinarian • License in another state, territory, or district of the United States where requirements were substantially equivalent to Alabama's requirements at the time first licensed. <p><i>Code of Alabama 1975</i>, Section 34-29-74</p>
Employees	<p>3 merit system employees of which 1 is black. 4 contract employees.</p> <p>Theresa Chandler, Executive Director</p>
Legal Counsel	<p>Todd E. Hughes, Assistant Attorney General Provided by the Attorney General's Office</p>
Subpoena Power	<p>Yes, for records and witnesses</p> <p><i>Code of Alabama 1975</i>, Section 34-29-69(3) and (4)</p>

Internet Presence	<p>www.asbvme.us The website contains:</p> <ul style="list-style-type: none"> • Laws, rules and guidance for the controlled substance act, the veterinary medical profession, ADEM requirements, and the prescription drug monitoring program. • Applications for all licenses and permits plus a fee schedule • Continuing education requirements and forms and disciplinary database questionnaires for the appropriate licensees • Complaint forms and license verification request forms, • The board's itinerary, a list • of board members with contact information, contact information for and location of the board's office, and • Links to professional associations and educational organizations. <p>ASBVME website</p>
Attended Board Member Training	<p>2005 – 1 Board Member 2008 – 6 Board Members, the Executive Director, 2 staff members and the Assistant Attorney General</p> <p>Examiners of Public Accounts Board Member Training Attendance Rosters</p>
<u>FINANCIAL INFORMATION</u>	
Source of Funds	Licensing fees and penalties
State Treasury	<p>Yes</p> <p><i>Code of Alabama 1975, Section 34-29-70</i></p>
Unused Funds	<p>Funds at the close of any fiscal year that exceed the budget of the board by 200 percent are transferred to the state's General Fund</p> <p><i>Code of Alabama 1975, Section 34-29-70</i></p>

SIGNIFICANT ITEMS

1. **Tuskegee University School of Veterinary Medicine reduced to limited accreditation.** Tuskegee's veterinary medicine program was placed on limited accreditation status due to the pass ratio of students taking the North American Veterinary Licensing Examination falling below 80% for a period of two years. According to the American Veterinary Medical Association accreditation policies, this causes an automatic change in the accreditation status of an educational institution for a period of two years.
2. **The board is involved in a lawsuit concerning licensing practices.** The board is currently in the appellate phase of a lawsuit brought against the board by a 1992 graduate of Tuskegee University. The graduate has failed the national veterinary licensing exam a number of times since 1992. After research uncovered that three individuals were issued licenses through clerical error who had not passed the exam, two in 1989 and one in 1991, the graduate brought suit against the board citing the board's licensing practices as arbitrary and capricious. The case, CV-2007-000277.00 was heard before the Honorable Charles Price, Circuit Judge for Montgomery County on January 14, 2008. He found that "the fact the Board mistakenly issued licenses to three other persons...does not rise to the level of a violation of Petitioner's constitutional rights." He continued, "The Court will not second guess the Board without evidence of nefarious behavior. There is none shown here." The case was appealed to the Supreme Court of Alabama and was placed under an order of referral to mediation. The parties met for mediation before the Honorable William R. Gordon on July 21, 2008. When this report was prepared, the board was waiting on the appellate court's ruling. Depending on the ruling of the appellate court, there may be an impact on the board's licensing procedures.
3. **The Governor has been requested to appoint a special board.** As a result of hearing procedures against a licensee, the board was petitioned by the respondent's attorney to have the entire board recused from hearing the matter due to the majority of board members being present for prior hearing(s) involving the respondent. The respondent's attorney argued that the bias of one could have influence over the others. Due to the seriousness of the case and the possibility of future litigation, board granted the respondent's petition in order to avoid the appearance of bias and eliminate appellate issues.

The *Code of Alabama 1975*, Section 34-29-79(d) provides "When a member of the board is unable to continue the hearing either by disqualification or for any other reason, and the board is unable to obtain a quorum, the Governor shall appoint as many special members as is necessary to obtain a quorum from a list of three persons submitted for each place by the Alabama Veterinary Medical Association. These special members serve on the board only for the hearing for which they were appointed, but may be reappointed for subsequent hearings, if necessary."

The association was notified of the board's decision and at the association's annual meeting held on June 28, 2008, association officials produced a list of twenty-four names to recommend to the Governor for appointment. A date for the hearing is to be set upon receipt of the names of the special board members.

STATUS OF PRIOR SIGNIFICANT ITEMS AND FINDINGS

The following finding from the October 1, 2003 through September 20, 2006 legal compliance examination has not been resolved:

1. **Prior finding:** The board adopted an improper administrative rule that provides;

- For removal of a board member and
- For the appointment of temporary ex officio board members on an as needed basis.

Rule 930-X-1-.30 (Procedure for Removal of a Board Member) states, "The term of a Board member may be terminated either voluntarily or for a violation of the Veterinary Practice Act or its Administrative Code, after a hearing as previously provided in Chapter 930-X-1-.16... In the interim, the remaining members of the Board will continue to act. A majority of the Board shall constitute a quorum. If a quorum is impossible, ex-officio members shall be appointed as necessary."

The provision of the rule, which states that, "The term of a Board member may be terminated either voluntarily or for a violation of the Veterinary Practice Act or its Administrative Code, after a hearing as previously provided in Chapter 930-X-1-.16." appears to be more broad than allowed by law. State law in the Code of Alabama 1975, Section 34-29-64 provides that;

"(b) No person who has been appointed to the board shall continue membership on the board if, during the term of his or her appointment, he or she shall have done any of the following:

- (1) Transfer his or her legal residence to another state,
- (2) Own or be employed by any wholesale or jobbing house dealing in supplies, equipment, or instruments used or useful in the practice of veterinary medicine,
- (3) Have his or her license to practice veterinary medicine as a veterinarian or as a licensed veterinary technician rescinded,
- (4) Miss three consecutive meetings of the board,
- (5) Be guilty of misconduct or gross inefficiency.

(c) The board shall establish procedures for the removal of members who violate one or more of the provisions of subsection (b).”

The statute gives the board authority to establish procedures for removal of members only for the specific grounds named in the statute. The board has no authority to extend the scope of the statutory authority to removal of a board member for other grounds.

The provision in Rule 930-X-1-.30, which states that, “If a quorum is impossible, ex-officio members shall be appointed as necessary” does not comply with state law.

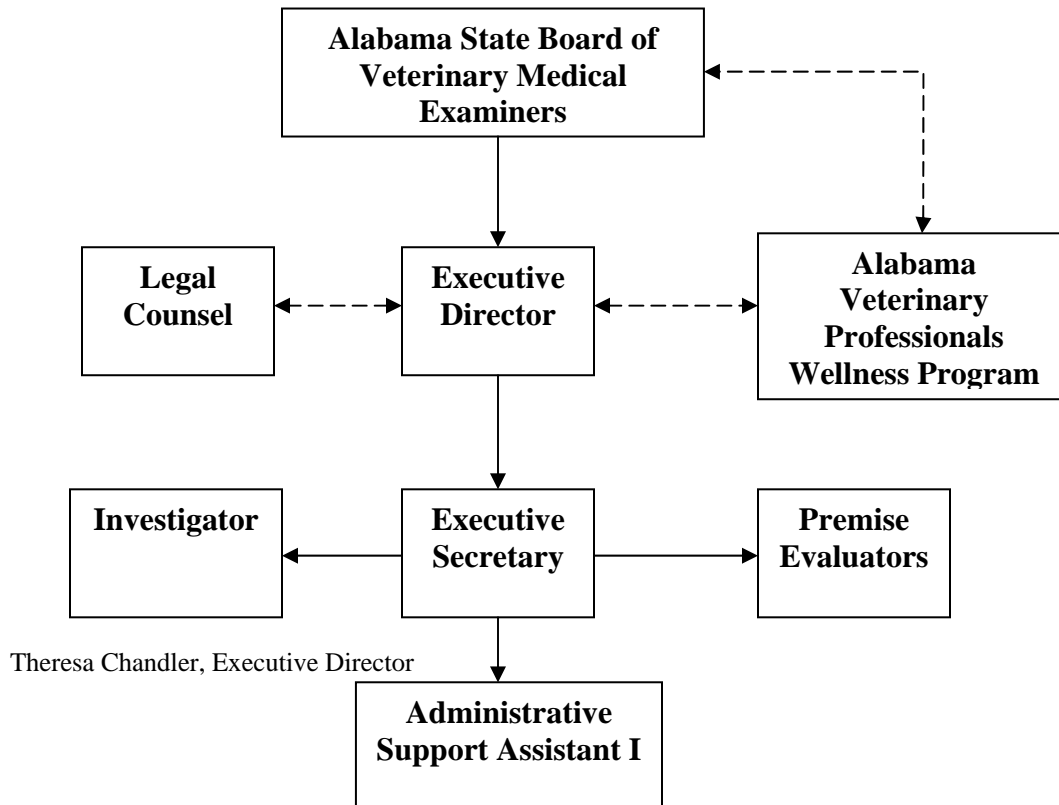
Opinion of the Attorney General 2006-54 states that absent authorization in the law, the appointing authority for Board members may not name an alternate to attend Board meetings. The Board’s enabling statutes provide for a specific number of positions to which one appointment to each position is authorized. There is no provision in the veterinary medicine licensing law that authorizes other persons to act as board members.

Current status: The board’s rule remains out of harmony with the law. The board’s rule would allow removal of a board member on grounds in addition to the grounds named in the law. The Attorney General in his opinions has often stated that rules cannot enlarge upon the law. When asked to respond to the status of this finding, the executive director stated that the correction of the finding would require a change to the board’s law and that the board will forward the finding to the Legislative and Practice Act Committee of the Alabama Veterinary Medical Association for review and possible legislative change. The board would then promulgate rules to correctly correspond to the law.

The examiner notes that the board is required by the Code of Alabama 1975, Section 34-29-64(c) to establish procedures for the removal of members who violate “one or more of the provisions of subsection (b)”. The provisions are very specific, naming only 5 behaviors that constitute grounds for removal. The ability to create rule 930-X-1-.30 is established by law. However, the board’s rule allows removal of members for reasons not named in the law. The rule states that “The term of a Board member may be terminated either voluntarily or for a violation of the Veterinary Practice Act or its Administrative Code...” This is far more inclusive than the 5 reasons stated by Section 34-29-64(b). In addition, there is no provision in Section 34-29-64 for the appointing of ex-officio members should the remaining board members be insufficient for constituting a quorum. The only provision for ex-officio members to the board is found in the ***Code of Alabama 1975***, Section 34-29-79(d), which states, “When a member of the board is unable to continue the hearing either by disqualification or for any other reason, and the board is unable to obtain a quorum, the Governor shall appoint as many special members as is necessary to obtain a quorum from a list of three persons submitted for each place by the Alabama Veterinary Medical Association. These special members serve on the board only for that hearing for which they were appointed and the special members may be reappointed for subsequent hearings if necessary.” The reason for the appointment of ex-officio members is very specific—to replace members who have been disqualified and are unable to sit for a hearing. Even then, the ex-officio members only serve for the duration of the hearing.

The board should review the wording of the Code of Alabama 1975, Section 34-29-64 and adjust rule 930-X-1-.30 so it is compatible with the law. This would not require legislative action, but rather adjustment of the board's rule.

ORGANIZATION



PERSONNEL

The board employs seven persons, consisting of one unclassified merit system employee, two classified merit employees and four contract employees. The executive director is appointed by the board. The Attorney General's Office provides legal services for the board.

<u>Merit System Employees</u>			
Classification	#Employees	Race	Gender
Executive Director	1	W	F
Executive Secretary	1	W	F
Administrative Support Assistant I	1	B	F
<u>Contract Employees</u>			
Position	# Employees	Race	Gender
Premise Evaluator	3	M	W
Investigator	1	M	W
<u>Legal Counsel</u>			
Assistant Attorney General			

Source: Executive Director

PERFORMANCE CHARACTERISTICS

Number of Licensees per Employee – 361

Total Expenditure per Licensee (2006-2007 Fiscal Year) - \$152

Number of Persons per Licensee in Alabama and Surrounding States

State	Population (Estimate)(1)	Number of Licensees Persons per Licensee						
			VET	LVT	Faculty	Premise	CET	RAEF
AL(2)	4,627,851	Licensees	1,534	223	69	544	116	38
		Persons/ licensee	3,017	20,753	67,070	8,507	39,895	121,786
FL(3)	18,251,243	Licensees	5,728	0	0	1,257	0	0
		Persons/ licensee	3,186	N/A	N/A	14,520	N/A	N/A
GA(4)	9,544,750	Licensees	3,238	656	150	0	0	0
		Persons/ licensee	2,948	14,550	63,632	N/A	N/A	N/A
MS(5)	2,918,785	Licensees	1,048	65	91	0	0	0
		Persons/ licensee	2,785	44,904	32,075	N/A	N/A	N/A
TN(6)	6,156,719	Licensees	1,807	353	0	632	209	55
		Persons/ licensee	3,407	17,441	N/A	9,742	29,458	111,940

Legend:

VET = Licensed Veterinarian
LVT = Licensed Veterinary Technician
Faculty = Licensed Education Instructor
Premise = Veterinary Facility
CET = Certified Euthanasia Technician
RAEF = Registered Animal Euthanasia Facility

Footnotes:

- (1) U. S. Census Bureau population estimates as of 7/1/08
- (2) Alabama State Board of Veterinary Medical Examiners licensee database
- (3) Department of Business and Profession Regulation – Board of Veterinary Medicine website
<http://www.myflorida.com/dbpr/pro/vetm>
- (4) Georgia Board of Veterinarians website <http://sos.georgia.gov/plb/veterinary>
- (5) Mississippi Board of Veterinary Medicine
- (6) Tennessee Health Related Boards for the Board of Veterinary Medical Examiners

Notification to Licensees of Board decisions to Amend Administrative Rules

The board complied with procedures prescribed in the Administrative Procedure Act, which includes publication of proposed rules in the Administrative Monthly, and public hearings on proposed rules. Licensees are being notified of proposed changes through the board's newsletter, Examiner, and its website.

Theresa Chandler, Executive Director; board newsletters and website

Inspections

The board conducts inspections of veterinary and registered animal euthanasia facilities to determine compliance with minimum standards for facilities found in the board's administrative code, sections 930-X-1-.31 and 930-X-1-.32. Inspections are performed upon application for an original premise permit, periodically to ensure compliance, and during an investigation of a complaint, if necessary. Currently, the board contracts with three veterinarians to perform facility inspections. At times, the executive director, executive secretary, investigator and board members have performed inspections.

Inspections Performed

Total Inspections	2004	2005	2006	2007	2008 to date
	182	166	171	186	169

ASBVME Inspections database for 2004, 2005, 2006, 2007 and 2008

Regulation in Conjunction with Other Entities

The board does not perform regulatory procedures in conjunction with other entities; however, in the course of investigations of complaints, the board does cooperate with other agencies to gather and/or provide information concerning licensee activities. In particular, the board has a working relationship with the Alabama Board of Pharmacy, the State Department of Public Health, the Alabama Department of Environmental Management, the State Veterinarian's Office, the United States Department of Agriculture and the State Department of Agriculture.

Theresa Chandler, Executive Director and the *Code of Alabama 1975*, Section 34-29-77.

Complaint Resolution

The board receives complaints concerning the care and treatment of animals by veterinarians, licensed veterinary technicians and certified euthanasia technicians. In addition, the board is given authority over non-licensed individuals engaging in the unauthorized practice of veterinary medicine by the Code of Alabama 34-29-69(3).

The board's complaint process from receipt to resolution is governed by:

- The *Code of Alabama 1975*, Section 34-29-69, Powers of the Board and 34-29-79, Hearing Procedures and
- ASBVME administrative code:
 - ✓ 930-X-1-.10, Rules of Professional Conduct/Grounds for Discipline;
 - ✓ 930-X-1-.15 Types of Discipline;
 - ✓ 930-X-1-.16 Disciplinary Proceedings;
 - ✓ 930-X-1-.17 Investigations;
 - ✓ 930-X-1-.18 Refusal of Complainant to Proceed, Compromise, Etc.;
 - ✓ 930-X-1-.19 Matters Involving Related Pending Civil or Criminal Litigation;
 - ✓ 930-X-1-.20 Filing and Service of Formal Charges;
 - ✓ 930-X-1-.21 Subpoena Power, Witness and Pre-Trial Proceedings;

- ✓ 930-X-1-22 Revocation of License by Consent of Licensee;
- ✓ 930-X-1-.23 Reciprocal Discipline;
- ✓ 930-X-1-.24 Licensees Who's Licenses Have Been Suspended or Revoked;
- ✓ 930-X-1-.25 Reinstatement; and
- ✓ 930-X-1-.26 Proceedings in Which a Licensee is Declared to be Incompetent or is Alleged to be Incapacitated.

The board maintains an excel spreadsheet containing information relative to the receipt, investigation and resolution of complaints. The system of documentation is complete and allows adequate monitoring of complaint status.

A review of a sample of complaint case files from receipt of a written, signed complaint to the review and resolution of the case by the board showed the median time to bring a complaint to resolution is 112 days.

Complaints Received		Complaints Resolved						
Year	Number	2003	2004	2005	2006	2007	2008	Open
2003	51	35	12	2	--	--	--	2
2004	30	--	16	14	--	--	--	--
2005	49	--	--	33	13	--	--	3
2006	40	--	--	--	26	9	--	5
2007	61	--	--	--	--	33	14	14
2008	27	--	--	--	--	--	12	15
Totals	258	35	28	49	39	42	26	39

Resolution	2003	2004	2005	2006	2007	2008
Cease and Desist Order	6	4	5	4	4	1
Closed	1	1	2	0	1	2
Closed – Insufficient Evidence	1	0	0	0	0	0
Consent Agreement Reached	12	5	8	3	4	1
Dismissed – Insufficient Evidence of Violation	1	4	2	0	1	2
Dismissed – No Evidence of Violation	27	13	26	28	37	6
Dismissed No Action Taken	0	2	2	0	0	0
Referred Back to Alabama Veterinary Professional Wellness Program	1	1	1	0	0	0
Unresolved	2	0	3	5	14	15
Total (258)	51	30	49	40	61	27

ASBVME Complaint Database

Complaint Process

Initial Documentation	<p>Initial contact is most frequently made by phone or e-mail. Staff completes an Incident Reporting Form and mails a Complaint Form to the complainant for completion and return. The written, signed complaint is considered the official complaint and is received and filed at the board's office.</p> <p>Additionally, veterinarians with concerns about situations in their practices will call board members to discuss the situations. Board members inform the licensees that if they discuss the situations, the board member has an obligation to report the situations and initiate a complaint. The board members also inform the licensees that they have an obligation to report the situation.</p>
Anonymous Complaints	The board does not pursue anonymous complaints.
Investigations Performed by	Executive director, investigator, legal counsel and/or an assigned board member who acts as a chief investigative officer
Investigation Process	<ol style="list-style-type: none">1. The complaint is acknowledged in writing.2. The complaint is assigned to a board member who acts as chief investigative officer. If a member has been contacted by a licensee about the complaint, that board member is assigned to the investigation. This reduces the number of board members who would have to be recused should the complaint progress to a hearing. If the complaint is complicated, two board members may be assigned to the investigative team.3. A written request is mailed to the veterinary professional in question asking for medical records and statements from key personnel involved,4. All information is compiled and mailed to the chief investigative officer, investigator and legal counsel5. If probable cause can be determined from the information, the investigation proceeds with statements and additional fact finding, as necessary,6. If probable cause cannot be determined, the case is dismissed,7. At the end of the investigatory process, a report of findings and facts is written and if applicable, lesser disciplinary actions, including private reprimands or consent agreements, are taken,

	<p>8. If lesser discipline is not applicable or the licensee declines to enter a consent agreement, the case is presented to the board and an administrative hearing is held.</p> <p>9. The results of all complaints and the actions taken are reviewed by the board in board meetings.</p>
Disposition of Complaint if formal hearing not held	<p>Dismissed if no probable cause established.</p> <p>If probable cause can be established, a disciplinary consent agreement is offered to first time offenders.</p>
Investigating board member's status during hearing	Member recuses him or herself from disciplinary procedures, if the complaint requires a hearing.

ASBVME complaint procedures

Veterinary Professional Wellness Program

The Alabama Veterinary Professionals Wellness Program was established in April 2001 and is sponsored by the Alabama State Board of Veterinary Medical Examiners and the Alabama Veterinary Medicine Association (ALVMA), under a contract with the Medical Association of the Alabama. The program is assisted and supervised by the Alabama Veterinary Professionals Wellness Committee, a group of 15 veterinary professionals nominated by the ALVMA and appointed by the board to serve for 3 years each.

The program receives confidential referrals from a variety of sources to promote early identification of problems that can cause impairment, including substance abuse and related disorders, mental and/or behavioral conditions and other problems. The wellness program is an alternative to administrative discipline.

Total Veterinary Professionals Referred by Year

2001	2002	2003	2004	2005	2005	2007
13	17	41	30	32	37	48

Problem Behaviors Reported

Behavior	2001	2002	2003	2004	2005	2006	2007	Total
Chemical Abuse/Dependence	13	13	31	24	22	21	32	156
Disruptive Behavior	0	0	1	1	2	1	1	6
Sexual Misconduct	0	1	1	0	0	0	0	2
Psychiatric	0	3	4	2	4	6	5	24
Licensure (Application) (1)	0	0	2	3	3	4	3	15
Quality Care Issues	0	0	1	0	0	2	3	6
Other (age related, prescribing, physical health problems, etc.)	0	0	1	0	1	3	4	9
Totals	13	17	41	30	32	37	48	218

(1) Impaired behaviors reported on initial or renewal applications.

Once referred to the wellness program, participants may undergo formal intervention and evaluation by an authorized evaluation/treatment program. An intervention prompts an appropriate diagnostic evaluation which forms the basis for possible treatment recommendations. While participants are undergoing evaluation or treatment they are required to maintain contact and provide regular weekly reports to the wellness program. Most veterinary professionals continue to practice following treatment as long as patient safety can be assured. An active assistance contract can involve such procedures as forensic drug testing, reports from therapy groups, individual therapy, aftercare, physician recovery groups, work site monitoring, and other techniques as needed.

Interventions, Evaluations, Contracts and Relapses

Action	2001	2002	2003	2004	2005	2006	2007	Total
Total Referrals	12	17	41	30	32	37	48	218
Interventions	11	10	22	2	16	15	9	95
Evaluations	5	10	15	6	7	10	9	62
Ongoing Assistance Contracts per year	3	7	11	15	22	27	29	n/a
Relapses	0	1	2	1	1	0	1	6

2007 Alabama Veterinary Professionals Wellness Program Annual Report

SMART BUDGETING

As a part of our examination, we reviewed the board's performance goals and objectives, as presented in the board's SMART reports. Our review was conducted to test for the following standards:

- Goals are long-term targets.
- Each goal presented in the Operations Plan must be accompanied by one or more directly related objectives designed to show progress toward achieving the goal.
- Objectives are annual numerical target levels of performance. The target should be stated.
- The degree of achievement of the objectives should be reported as numerical data in the Performance Reports.
- Data reported anywhere in the SMART documents can be reproduced at any time from records on hand. The records should be available for audit.
- The methods for producing the data presented in the SMART documents should be recorded in writing so as to allow staff to complete the SMART documents over time in a consistent manner. The records of methods used should be available for audit.

We have reviewed the board's SMART reports for the 2007 and 2008 fiscal years for compliance with these standards and present the following observations.

2007 SMART Operations Plan	
Goals	Observations/Conclusions
G1 –To provide effective, knowledgeable personnel and administrative support to conduct the activities of the board.	<ol style="list-style-type: none"> 1. No measurable long-term target stated. 2. There is no time period to achieve the goal. 3. There is no directly related objective to measure performance toward achieving the goal
G2 –To ensure that only qualified and competent people enter the veterinary medical profession and to prevent and prosecute non-trained, non-licensed practice.	<ol style="list-style-type: none"> 1. No measureable long-term target stated. 2. There is no time period to achieve the goal. 3. There is no directly related objective to measure performance toward achieving the goal
G3 – To evaluate all veterinary and euthanasia facilities annually to insure compliance with minimum standards.	<ol style="list-style-type: none"> 1. There is no directly related objective to measure performance toward achieving the goal.
G4 – To provide periodic review of examinations and minimum standard criteria to insure accurate testing measurements of competency and encompass new practice protocols annually.	<ol style="list-style-type: none"> 1. No measureable long-term target stated. 2. There is no time period associated with achieving the goal. . 3. There is no directly related objective to measure performance toward achieving the goal 4.
G5 – To provide prompt, quality response to consumer inquiries, concerns and complaints and to investigate and resolve or prosecute violation of laws, regulations in a timely and efficient manner (6mos).	<ol style="list-style-type: none"> 1. Actually three goals; prompt response, quality response, and timely resolution of complaints. 2. No measureable long-term target stated for prompt and quality. 3. There is no time period associated with achieving the goal.

G6 – To safeguard and enhance state revenue by accurately collecting veterinary fees and fines. (100% compliance)	<ol style="list-style-type: none"> 1. The goal is not measurable as written. 2. The goal is a statement of normal work to be done rather than a performance goal. 3. There is no time period associated with achieving the goal. 4. There is no directly related objective associated with the goal to measure performance
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2006-07 Performance Report				
Objective	Performance Indicator	Projected	Actual	Observations/Conclusions
EF1: Reduce administrative time required to process application by 20%.	Percent application/ hours	1.2	0	<p>Appears appropriate.</p> <p>The 4th quarter and annual performance were not reported on the 4th quarter performance report. The board's performance could not be verified as there was no data to support reported performance available for audit.</p>
QU1: Resolve 75% of complaints satisfactorily within 60 days of filing	% Resolved	75	0	<p>Appears appropriate.</p> <p>Performance for the 4th quarter and the annual performance were not reported on the 4th quarter performance report. Performance for the 1st, 2nd, and 3rd quarters was reported.</p> <p>Reported performance is supported by relevant and adequate data. However, the examiner could not reproduce the reported result from the data provided. Consequently, performance for the fiscal year could not be verified.</p>

2007-2008 SMART Operations Plan	
Goals	Observations/Conclusions
G1 –To identify and bring into compliance, all animal euthanasia shelters in Alabama in accordance with Act 2004-523.	<ol style="list-style-type: none"> 1. Workload rather than a goal. Does not address how well an activity is done. 2. There are two activities in the goal; identify and bring into compliance. 3. The goal is not measurable as written. Cannot know if all animal euthanasia shelters have been identified. 4. There is no time period for achieving the goal.

FINANCIAL INFORMATION

The board operates from the State Treasury through Fund 0408, and its operating revenues are derived from the collection of fees and fines specified in the board's enabling statutes. The board does not receive General Fund or Education Trust Fund appropriations. The board retains year-end fund balances for future use.

Schedule of Fees

The *Code of Alabama 1975*, Section 34-29-69(11) authorizes the board to set the amount of fees. The fee schedule is published in the board's administrative code as rule 930-X-1-.06. The following fees have been set.

<u>Fee</u>	<u>Authority</u>	<u>Amount</u>
Veterinarian		
Application for license	34-29-72	150.00
Temporary license application	34-29-71(a)	100.00
Certification for Eligibility for NAVLE application fee	34-29-72	150.00
Annual Renewal of License	34-29-75	150.00
Late Renewal Penalty	34-29-75	300.00
Application for Faculty License	34-29-72	75.00
Annual Renewal of Faculty License	34-29-75	75.00
Late Renewal Penalty	34-29-75	150.00
Annual Renewal of Inactive License	34-29-75	75.00
Late Renewal of Inactive License Penalty	34-29-75	150.00
Annual Premise Permit	34-29-88	100.00
Late Renewal of Premise Permit Penalty	34-29-75	200.00
New Hospital, Clinic, Mobile Unit or Change of Ownership Evaluation	34-29-88	100.00
Annual Controlled Substance Registration Number	20-2-50(a)	25.00
Prescription Drug Monitoring Program	20-2-217	10.00

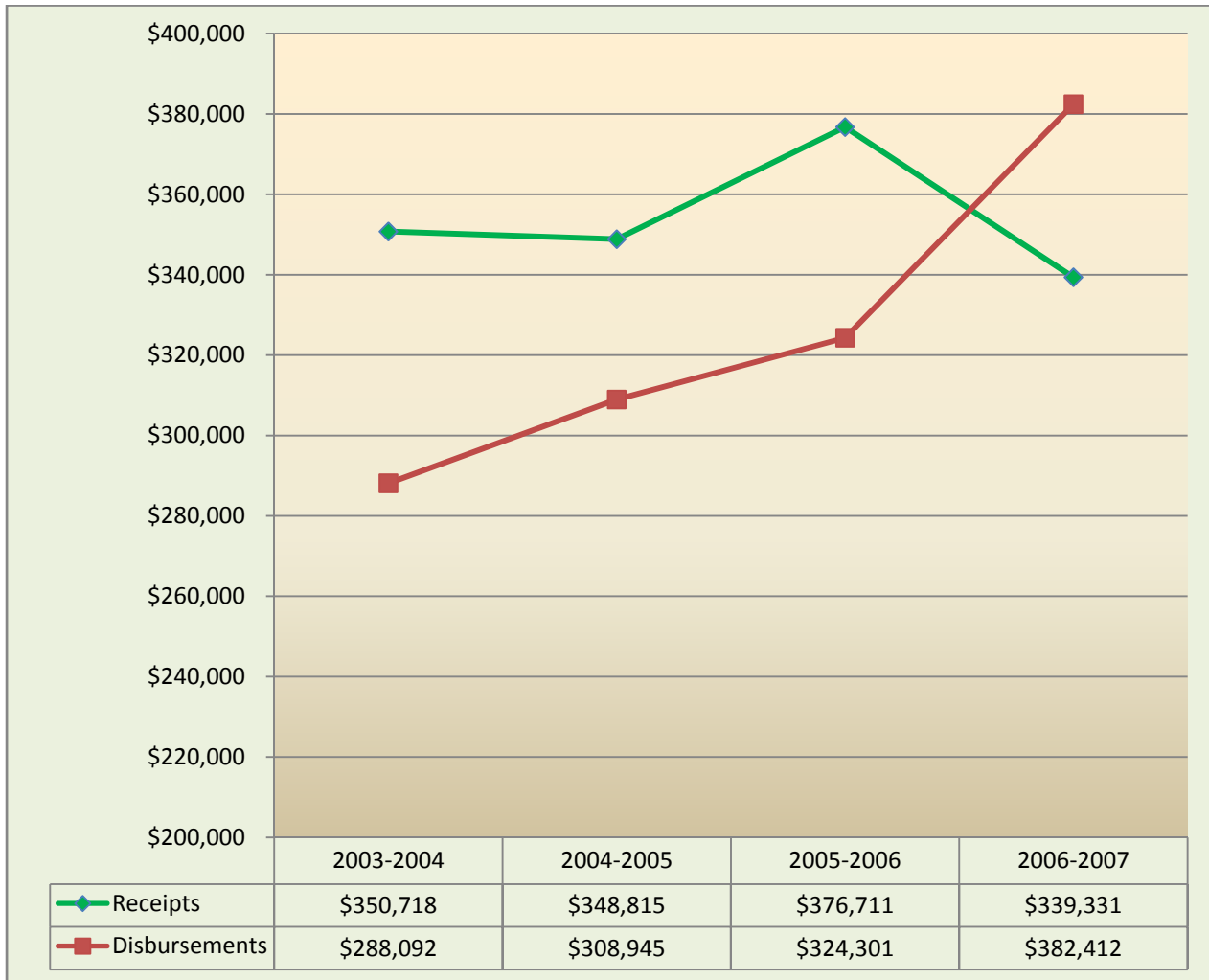
<u>Fee</u>	<u>Authority</u>	<u>Amount</u>
Application for Reinstatement of License	34-29-81	100.00
Veterinary Technician		
Application and Examination	34-29-94(a)(4)	160.00
Annual License Renewal	34-29-94(d)	50.00
Late Renewal of License Penalty	34-29-75	100.00
Annual Renewal of Inactive License	34-29-75	25.00
Late Renewal of Inactive License Penalty	34-29-75	50.00
Certified Euthanasia Technician (CET) & Registered Animal Euthanasia Facility (FAEF)		
Application and Examination	34-29-130	50.00
Annual License Renewal	34-29-130	50.00
Late Renewal of License Penalty	34-29-75	100.00
Annual Registration of Euthanasia Facility	34-29-130	100.00
Late Renewal Registration of Euthanasia Facility Penalty	34-29-130	200.00
Ancillary Services		
Verification of License Fee—Veterinarians and Veterinary Technicians	Cost recovery	25.00
Copy of the Veterinary Practice Act	Cost recovery	15.00
Directories of Licensing Information	Cost recovery	25.00
Certified Renewal Notices	Cost recovery	10.00
Duplicate Licenses	Cost recovery	25.00

Schedule of Operating Receipts, Disbursements, and Balances
October 1, 2003 through September 30, 2007

	2006-2007	2005-2006	2004-2005	2003-2004
Receipts				
Licensing Fees	\$ 339,053.89	\$ 374,620.00	\$ 348,815.00	\$ 350,718.29
Insurance Refund	276.92	2,072.00	-	-
Salvaged Equipment	-	18.75	-	-
Drug Monitoring Program	10,320.00	-	-	-
Total	349,650.81	376,710.75	348,815.00	350,718.29
Disbursements				
Personnel Costs	129,174.58	147,558.21	136,826.04	128,264.88
Employee Benefits	35,432.61	33,591.25	31,096.78	26,392.30
Travel In-State	19,902.69	18,619.74	20,395.73	16,944.01
Travel Out-of-State	974.17	4,513.90	4,415.59	-
Repairs and Maintenance	827.00	78.00	154.00	1,148.99
Rentals and Leases	18,333.44	20,527.74	19,353.11	19,971.40
Utilities and Communications	9,840.30	8,086.79	6,612.67	6,974.80
Professional Services (1)	117,689.59	48,420.98	42,982.14	49,406.42
Supplies, Materials and Operating Costs	45,472.50	41,082.11	45,816.41	35,828.60
Transportation Equipment Operations	1,765.76	1,822.21	1,292.79	961.20
Other Equipment Purchases	2,999.70	-	-	2,199.88
Total	382,412.34	324,300.93	308,945.26	288,092.48
Excess of Receipts Over Disbursements	(32,761.53)	52,409.82	39,869.74	62,625.81
Cash Balances at Beginning of Year	194,606.13	142,196.31	102,326.57	39,700.76
Cash Balances at End of Year	161,844.60	194,606.13	142,196.31	102,326.57
Reserved for Year-End Obligations	(49,246.92)	(68,069.05)	(28,958.46)	(47,945.25)
Unobligated Cash Balances at Year-End	\$ 112,597.68	\$ 126,537.08	\$ 113,237.85	\$ 54,381.32

(1) According to the executive director, the increase in professional services in 2007 was due to the addition of security services (Brinks) and equipment, publication of rules changes and increased investigative costs due to rise in complaints. Additionally contractual obligations increased by adding one contract premise evaluator.

Operating Receipts Vs Operating Disbursements (Chart)



QUESTIONNAIRES

Board Member Questionnaire

Questionnaires were mailed to all eight board members. Seven responded.

Question #1

What are the most significant issues currently facing the Alabama State Board of Veterinary Medical Examiners and how is the Board addressing these issues?

Respondent #1	“A significant increase in the number of veterinarians who seek legal assistance after a complaint is filed and the resulting increase in the time and expense required to resolve a complaint.”
Respondent #2	“Like most boards both the public and professional awareness of the duties and directives of the board, that being protection of the public, in a manner that is both understood and accepted, remains a constant significant issue. Wellness issues appear on the increase, which in some cases may be the exciting cause for practice act violations and providing less than accepted standard of care. The educational and rehab opportunities offered the profession by the wellness program with the cooperation of the ASBVME is a significant educational project. Counseling of practitioners through the premise evaluation process is also a significant issue in the continued effort to improve the quality of veterinary practice. There are two issues that this present board has not faced. One being a pending lawsuit concerning issues that occurred many years past. Secondly the entire board is being removed from a hearing case due to seven of eight members having prior knowledge of or being part of a previous hearing associated with the accused professional. By law this required the governor to appoint a board to hear this one case.”
Respondent #3	Same response as #2
Respondent #4	“We need stronger backing by the State to work fast in removing some (veterinarians) people that are defrauding the public and making a joke of our discipline by getting lawyered up. Granted there is only 2 – 4 of these people we deal with each year but these are frustrating to the board. Other good veterinarians look at us as being ineffective when these 2 – 4 out of 1500 practicing veterinarians are so aggressively breaking our practice act. Ninety-nine percent of all veterinarians are good but it’s the small percent we need quicker application.”

Board Member Questionnaire

Respondent #5	“Most complaints that come before the board are handled in a timely manner. We only have one old case that we are trying to resolve. Wellness issues seem to be increasing in numbers recently. We met with the members of the wellness committee in June. They are doing a great job of getting these needy people educated and through rehab as soon as possible.”
Respondent #6	“Public education concerning the use of the board as a resource. The timely conclusion of cases brought to the board. The veterinarian community use of the board resources such as the wellness program and site evaluations.”
Respondent #7	“Large number of cases with lawyer representing complaintees”

Question #2

What changes to the Board’s laws are needed?

Respondent #1	“None”
Respondent #2	“The only suggestion might be that we once again look closely at the practice act and rules to be sure that all rules and statements in the act related to public protection can be accurately monitored and acted upon by the board. Example: Immediate supervision of non-certified, but competent practice trained technicians.”
Respondent #3	Same response as #2
Respondent #4	“To strengthen laws so we can get the ones out of practice that are hurting the public.”
Respondent #5	“Nothing particular except that the practice act is fairly strict regarding supervision of non-licensed employees. We may need to review that section and possibly make some changes.”
Respondent #6	“I am not aware of any.”
Respondent #7	“None”

Question #3

Is the Board adequately funded?

Yes	No	Unknown	No Opinion
7	0	0	0

- Respondent #2—“For now.”
- Respondent #3—Same response as #2
- Respondent #6—“If we were to get the needed additional personnel, we would not be adequately funded.”

Question #4**Is the Board adequately staffed?**

Yes	No	Unknown	No Opinion
2	5	0	0

- Respondent #2—“No. With the position of Executive Secretary current being filled on a part time basis, we place an undue hardship on the Executive Director and the one other office person. We need one additional person.”
- Respondent #3—Same response as #2
- Respondent #5—“We need a full time Executive Secretary.”
- Respondent #6—“Our cases have increased. We have implemented new procedures. Our office personnel have decreased.”

Question #5**What is the purpose of your fiscal year end balance of unobligated funds?**

Respondent #1	“To cover any unexpected expenses.”
Respondent #2	“Funds brought forward help in covering any unexpected expenses or costs such as increased legal costs when complaint caseload is extraordinary or as we have seen this year, the cost of fuel and other expenses that have increased as a result of fuel costs. Complaints are on the increase each year and the requirement for legal representation increases along with them.
Respondent #3	Same response as #2
Respondent #4	No response
Respondent #5	“We try to keep some available funds for unexpected expenses. Our legal fees have increased significantly lately because of pending lawsuits. Our caseload has increased this year and complaints continue to be on the rise.”
Respondent #6	“It is my understanding to have adequate monies to cover unbudgeted expenses.”
Respondent #7	“Board expenses”

Licensee Questionnaire

Questionnaires were mailed to 100 licensed veterinarians (DVM), of which 57 responded. Licensed veterinary technicians (LVT) were sent 100 questionnaires, of which 46 responded. Certified euthanasia technicians (CET) were sent 50 questionnaires, of which 21 responded.

Question #1

Do you think regulation of your profession by the Alabama State Board of Veterinary Medical Examiners is necessary to protect the public?

Licensee	Yes	No	Unknown	No Opinion
DVM	53	3	0	1
LVT	43	1	0	2
CET	19	2	0	0

Question #2

Do you think any of the Board's laws, rules, and policies are an unnecessary restriction on the practice of your profession?

Licensee	Yes	No	Unknown	No Opinion
DVM	10	43	2	2
LVT	3	39	2	2
CET	3	17	1	0

Question #3

Do you think any of the Board's requirements are irrelevant to the competent practice of your profession?

Licensee	Yes	No	Unknown	No Opinion
DVM (1)	13	36	4	5
LVT	0	40	3	3
CET	2	17	2	0

(1) One respondent answered both yes and no.

DVM Respondent #11—"I believe that they (at times) may not understand the practice of veterinary surgery and medicine. These issues are very common in all states."

Question #4

Are you adequately informed by the Board of changes to and interpretations of Board positions, policies, rules and laws?

Licensee	Yes	No	Unknown	No Opinion
DVM	40	13	4	0
LVT	34	5	6	1
CET	9	8	4	0

Question #5

If you are a new licensee, has the Board performed your licensing in a timely manner?

Licensee	Yes	No	No Opinion	Not Applicable
DVM	3	0	0	54
LVT	5	0	1	40
CET	7	0	1	13

Question #6

If you have renewed your license, did you renew through the online renewal process?

Licensee	Yes	No	No Opinion	Not Applicable
DVM	15	32	1	6
LVT	0	37	1	5
CET	1	9	2	9

If yes, did you experience in difficulties with online renewal?

Licensee	Yes	No	No Opinion	Not Applicable
DVM	3	12	0	0
LVT	0	0	0	0
CET	1	0	0	0

If no, did the Board process your renewal in a timely manner?

Licensee	Yes	No	Unknown	No Opinion
DVM	28	0	0	2
LVT	31	1	0	6
CET	8	0	0	1

Question #7

Do you consider mandatory continuing education necessary for competent practice?

Licensee	Yes	No	Unknown	No Opinion
DVM	48	8	1	0
LVT	42	4	0	0
CET	16	4	0	1

LVT Respondent #11—“But I feel there should be more allowance for online classes or more locally available CE.”

Question #8

Has the Board approved sufficient providers of continuing education to ensure your reasonable access to necessary continuing education hours?

Licensee	Yes	No	Unknown	No Opinion
DVM	52	2	0	3
LVT	42	3	1	0
CET	12	2	6	1

LVT Respondent #11—“There should e meetings for LVTs in Huntsville.”

Question #9

What do you think is the most significant issue(s) currently facing your profession in Alabama and what is the Board doing to address the issue(s)?

DVM	
Respondent #1	“Excessive charges for on-line renewal.”
Respondent #2	“Out-of-State prescription services providing drugs without proper authorization. Non-Licensed veterinarians work being done by quacks. Failure of 1 examiner to do his duty in past”
Respondent #3	“No opinion”
Respondent #4	No response
Respondent #5	“Student debt. Economic reality. Yes, the board is trying to help on issues.”
Respondent #6	“Looking at impaired veterinarians. They have a great program to help impaired veterinarians.”

Licensee Questionnaire

Respondent #7	No response
Respondent #8	“I hope the board is working on maintaining that pets are property. The amount of litigation is ridiculous. I think they do a good job of investigating complaints. This would be the crux to the property issue. If the public does not think they investigate then the public and vets would lose confidence and respect.”
Respondent #9	“Pet pharmacies out-of-state—Pet Med Express. Not sure board is doing anything to help stop this problem. Also, I feel it is too easy for a client to file a grievance on the veterinarian but hard for the vet to respond and sometimes feel the board does not give the practicing vet the “benefit of doubt.””
Respondent #10	“It does not affect me personally since I have been out of school for 22 years, but educational costs and student loan debt are a significant problem. But, I’m not sure how the board would be responsible for that.”
Respondent #11	“Corporate veterinary business; spay/neuter clinic (low cost/high volume); malpractice by current standards of care. The board manages these and other issues appropriately and business-like, as it should.”
Respondent #12	No response
Respondent #13	“I’m not sure what the board does other than licensure.”
Respondent #14	No response
Respondent #15	“Internet sales of prescription drug items. Unknown.”
Respondent #16	“The cost of practice has increased due to mandatory OWCP insurance and minimum wage. There is also an increase [illegible] concerning the record keeping of drugs such as anesthesia and sedatives (very time consuming). Can’t say the board is doing anything or if it would.”
Respondent #17	“The issue of animal rights and property vs. family members. The ability to sue a vet for punitive damages would cripple the profession as we know it.”
Respondent #18	“Lay people practicing veterinary medicine. Not much.”
Respondent #19	“Lack of large animal vets.”

Licensee Questionnaire

Respondent #20	No response
Respondent #21	“Bioterrorism”
Respondent #22	The licensee responded with lengthy comments that have been summarized in the following points: 1. Negligence of practitioners, 2. Unauthorized procedures and excessive overcharging for profit without benefit to the animal, 3. Complaints to the board referred to local associations without legal authority to review, 4. Hearing officer interprets board regulations and makes the ruling for the board, 5. No proactive activity to fulfill the state Board’s mandate to protect the public, 6. Extremely restrictive and specifically detailed practice requirements, 7. The board needs office staff and a lay person in charge of records; but not to serve as “executive”, 8. Proactive public protection is needed since Alabama has no consumer protection.
Respondent #23	“1. Maintaining a positive image for the professional, 2. Policies/acts that insure a high standard of care, 3. Keeping DVMs in positions of ownership of practices as corporations increasingly become conglomerates, 4. Work toward legislation that reduces the escalating tax burden practices are facing.”
Respondent #24	“Online pharmacies. Unknown.”
Respondent #25	“Protecting veterinary profession from others pursuing practices/services offered by veterinarians, e. g. medical services, online pharmacies, group pet companies. Monitoring legal charges—private claims. Unknown”
Respondent #26	“Performing adequate legal documentation of records that will stand up in court. Most doctors do not know the legal issues they face. We need mandatory CE in this area.”
Respondent #27	“The controlled substance renewal was a ‘bitch’ online—did not work and was very frustrating to get live help on pone.”
Respondent #28	“Pet stores (Pet Smart, etc.) selling restricted products and practicing veterinary medicine without a license. The board attacks this problem promptly when they are notified.”
Respondent #29	No response
Respondent #30	“Internet sales of adulterated drugs. Not sure.”
Respondent #31	No response

Licensee Questionnaire

Respondent #32	No response
Respondent #33	“Practicing veterinary medicine without licensure—primarily large animal. No response from board.”
Respondent #34	“Competition from internet companies, etc., and non-licensed individuals practicing veterinary medicine.”
Respondent #35	No response
Respondent #36	No response
Respondent #37	No response
Respondent #38	“Public awareness of [illegible] disclaimer and I don’t know what they are doing to help.”
Respondent #39	“No opinion”
Respondent #40	No response
Respondent #41	“The rising costs from veterinary pharmaceutical companies when some clients can barely afford their own medical costs and food.”
Respondent #42	“No opinion”
Respondent #43	No response
Respondent #44	No response
Respondent #45	“Not currently practicing in AL.”
Respondent #46	“1. A lack of food animal practitioners. 2. Not sure”
Respondent #47	“Non-veterinary online prescription companies. We have too much capital tied up in “in house” Rxs so are veterinarians going to sell the Rxs or are online companies. The state needs to choose one or the other.”
Respondent #48	“Control substance laws are too restrictive as in reporting for small practices.”
Respondent #49	“The practice of veterinary medicine by lay people who have no idea what they are doing. By having a board and policies in place to insure only competent people practice, they are trying to limit them and ensure only quality work in the profession.”

Licensee Questionnaire

Respondent #50	“Shortage of licensed veterinarian technicians and facilities to train veterinary technicians throughout the state. Do not know if the board is addressing this issue.”
Respondent #51	No response
Respondent #52	“Too heavily regulated by the board, resulting in unnecessary expense to the veterinarian and client. Most unneeded regulations have nothing to do with the quality of service provided by the doctor and received by the client.”
Respondent #53	No response
Respondent #54	No response
Respondent #55	No response
Respondent #56	“Education of public concerning diseases such as parvo and leublemia (?). Nothing.
Respondent #57	No response

LVT	
Respondent #1	No response
Respondent #2	“Making technicians professionals by adhering to laws, testing and guidelines similar to doctor/veterinarians/lawyers, etc.”
Respondent #3	“Possibly people that are not licensed presenting themselves as technicians but over all things are fine.”
Respondent #4	No Response
Respondent #5	“I feel like I haven’t been in the profession long enough to have an opinion on this matter.”
Respondent #6	No response
Respondent #7	No response
Respondent #8	No response
Respondent #9	No response

Licensee Questionnaire

Respondent #10	No response
Respondent #11	No response
Respondent #12	“The ability of non-licensed personnel doing what licensed personnel can do. I think that the board needs to do much more to address this ongoing problem. Also, along the same line, licensed personnel should be able to utilize all the skills they have learned and these skills should be listed in the practice act more clearly.”
Respondent #13	No response
Respondent #14	“I think one of the biggest problems is allowing unlicensed technicians to do the same job as licensed technicians. It cuts down on the quality of care and decreased the pay scale. Why should veterinarians pay for a license when they can get someone cheaper?”
Respondent #15	No response
Respondent #16	“Non-credentialed individuals being labeled as veterinary technicians by veterinarians and by themselves. I have not witnessed any action taken to correct this.”
Respondent #17	“Clinics hiring non-licensed personnel to perform technician duties. I don’t know what the board is doing. I hope something.”
Respondent #18	No response
Respondent #19	“1. I don’t think LVTs are paid enough. 2. Veterinarians are allowing non-licensed assistants to perform the acts of LVT’s so they do not want to hire LVTs and pay more. The board should crack down on this. An assistant should not be allowed to perform as an LVT and clinics that allow them should be punished.”
Respondent #20	No response
Respondent #21	“There are not enough LVTs in the state. I think that if there were more technician schools in this state we would have more technicians that would be licensed.”
Respondent #22	“Assistants being treated and paid like LVTs. I guess with the board setting stricter limitations on what assistants are supposed to do and investigating any complaints made in practices about procedures that are being done without the correct supervision.”
Respondent #23	No response

Licensee Questionnaire

Respondent #24	No response
Respondent #25	“Personnel shortages and wages. Respect for the LVT profession. Nothing—the board is not requiring facilities to staff qualified personnel (LVTs).”
Respondent #26	“I feel an issue I am facing is the importance of a licensed veterinary technician in the clinic setting. I have faced many circumstances where unlicensed techs play a major role in clinics. There should be more need for licenses in Alabama from technicians.”
Respondent #27	“Unlicensed personnel performing anesthesia, etc. is not only a detriment to the profession but to the well being of the patient. The board has standards in regard to this, but I think the penalty for misusing staff should be more stringent.”
Respondent #28	“I think that licensed technicians should be a must in every practice. As things are now, there are not enough technicians to do this and I feel that is partially do to the fact licensed technicians and OTJ trained technicians get paid nearly the same.”
Respondent #29	“I believe unlicensed “assistants” performing the same tasks as educated LVTs for less pay is the most significant issue. I am unaware of any actions being taken.”
Respondent #30	“Unlicensed technicians performing tasks/procedures on client’s animals reserved for licensed veterinary technicians. The board recently ordered a “cease and desist” on an individual that was not licensed but practicing as a Vet Tech.”
Respondent #31	“1. Enforcement of requirements for LVTs including formal education. I am very pleased with the board’s recent investigations into credentials. 2. Veterinary practices which allow assistants to perform tasks allowed for LVTs.
Respondent #32	“I feel they should be harder on places that are treating licensed and unlicensed people the same. I also think that these places should be aware that this is not OK and even have to pay fines if it is not changed.”
Respondent #33	“From the experience of one of the doctors I work with, it seems that the board sides with the clients more than the vets. It seems like the doctors do not have much support or backing from the board when clients complain.”
Respondent #34	No response

Licensee Questionnaire

Respondent #35	“Use of controlled drugs by professionals. Not sure.”
Respondent #36	“Practices being performed by non licensed persons that they are not licensed to do by law and laws are not being enforced.
Respondent #37	No response
Respondent #38	“Alabama law requires all clinics to have an LVT in order for a non – licensed person to perform certain procedures under supervision of an LVT and this is not as enforced as it could be.”
Respondent #39	“1. The continued acceptance of veterinarians allowing unlicensed personnel to perform duties and procedures that should be limited to an LVT. 2. The way that the word “tech” is used in practice today. Everyone is a tech regardless of their formal training or license The intern misleads the public and degrades our profession. 3. I believe that veterinarians should be required to have licensed personnel and staff and no longer be allowed to train people “off the street” to perform technician duties.”
Respondent #40	“1. Lack of certified technicians. 2. Lack of an accredited veterinary technician school. 3. Unlicensed technicians acting as licensed technicians.”
Respondent #41	“Unlicensed veterinarian technicians being properly trained. I do not have a problem with unlicensed techs working in the field but I feel they should be properly trained. I do feel that there should be a licensed technician required in every clinic to supervise or monitor these employees. There should be more of an advantage or incentive to become licensed when working in the field.”
Respondent #42	“Lack of recognition and awareness for what an LVT is and what they can do.”
Respondent #43	No response
Respondent #44	No response
Respondent #45	“I am a new licensee, but I think that more of a classroom/lecture setting at Jeff State would help lots of tech students. Techs need the lecture just as much as clinicals, that’s why CE is so important!”
Respondent #46	“Not enough accredited schools.”

CET	
Respondent #1	No response
Respondent #2	“None”
Respondent #3	“Lack of shelters in N. W. Alabama. Don’t have an answer except for the board to enforce (or help push for enforcement) of state law requiring every county to provide shelters. Mandatory state spay/neuter law covering individuals as well as facilities.”
Respondent #4	“1. Animal control officers should be required to have a set amount of training hours each year. 2. Animal control officers that are CETs should be able to order Ketaset/Ketamine without having to go through a veterinarian. 3. Every county in Alabama should be checked to make sure they are following instate law requirements on having an animal shelter.”
Respondent #5	“Not sure”
Respondent #6	No response
Respondent #7	“Too many animals born. People do not spay or neuter their animals. They used the shelters to turn in their sick animals or throw them out on the road for animal control to pick up. They test positive for heart worms—sick and very thin. I don’t know the answer for this problem.”
Respondent #8	“Not enough grief counseling offered (mandatory for shelter CET and Director). I don’t know if anything is being done.”
Respondent #9	No response
Respondent #10	“No opinion”
Respondent #11	“Better education on record keeping on euthanasia drugs, etc.”
Respondent #12	No response
Respondent #13	“Stress. Nothing”
Respondent #14	No response
Respondent #15	“Baldwin County is growing faster than our shelter can handle. We refuse to take owned animals, so there’s nowhere for these animals to go. The new shelter has been put on the back burner and we aren’t

Licensee Questionnaire

	hiring anymore animal control officers. I don't think anybody's doing anything."
Respondent #16	"I don't have any issues"
Respondent #17	No response
Respondent #18	"The most significant issue is animal overpopulation and the laws to help prevent it, including euthanasia. I am unaware of what the board is doing to address this issue."
Respondent #19	"1. More educational opportunities. 2. Lack of understanding from the general public. 3. Very difficult to get information on CET classes."
Respondent #20	No response
Respondent #21	No response

Question #10

Do you think the Board and its staff are satisfactorily performing its duties?

Licensee	Yes	No	Unknown	No Opinion
DVM (1)	44	2	10	2
LVT	33	2	3	6
CET	17	2	1	1

1. One respondent answered both yes and no

DVM Respondent #13—"For the most part. Some policies are petty. The loss of a jump drive with personal information by a staff member was negligent. Staff seems to run the board."

DVM Respondent #45—"They were very helpful in providing documents to apply for licensing in another state."

LVT Respondent #29—"No—i.e. the case involving Dr. [REDACTED] [REDACTED]. If you walked in his clinic today, you would find exactly the same violations he was reported for."

CET Respondent #19—"Need to list educational opportunities."

Question #11

Has any member of the Board or its staff asked you for money (other than normal fees), services or any other thing of value in return for performing a Board service for you?

Licensee	Yes	No	Unknown	No Opinion
DVM	0	57	0	0
LVT	0	46	0	0
CET	0	21	0	0

DVM Respondent #22—“In fact, I sent a 1st issue envelope to the state board (value 35 cents) commemorating veterinary medicine issued at Seattle, WA about 25 years ago for display by the state board for their advice and benevolence when I was unable to fulfill in a timely fashion C. E. requirements. It was sent back to me saying no gifts can be accepted. Impeccable Principles.”

Complainant Questionnaire

Questionnaires were mailed to 50 complainants. Twenty-three responded.

Question #1

Was your complaint filed with the Alabama State Board of Veterinary Medical Examiners by:

E-Mail	4	Phone	6
FAX	1	Other	0
In-Person	1	Unknown	0
Mail	17		

Note: respondents can choose multiple categories in their answers.

Question #2

Was receipt of your complaint acknowledged?

Yes	No	Unknown	No Opinion
22	0	1	0

If yes, approximately how long after you filed your complaint were you contacted by the Board?

Immediately	1	Within 30 days	4
Within 10 Days	3	More than 30 days	5
Within 20 days	5	Unknown	4

Question #3

Was the employee who responded to your complaint knowledgeable and courteous?

Knowledgeable	Courteous	Both	Neither	No Opinion
0	4	12	7	1

Question #4

Did the Board communicate the results of investigating your complaint to you?

Yes	No	Unknown	No Opinion
18	4		1

Complainant Questionnaire

Respondent #2—"I called and got the results. I have not still to this very day received the results in the mail."

Respondent #19—"Six or 7 months after my puppy died. Quote—thoroughly reviewed my complaint, the medical records and all statements in regard to this matter. Dismissed the matter against Dr. [REDACTED]—unquote.

Question #5

Do you think the Board did everything it could to resolve your complaint?

Yes	No	Unknown	No Opinion
5	14	4	0

Respondent #2—"But I do think they did a good job. But I feel they sided with the vet as I thought they would."

Respondent #5—"The board ducked the issue by just telling the violator to obey the law, giving no disciplinary action."

Respondent #16—Further Investigation was warranted. The board seemed to be biased toward the vet."

Question #6

Were you satisfied with your dealings with the Board?

Yes	No	Unknown	No Opinion
8	15	0	0

Respondent #5—"The complaint was about a life or death issue and the violator and his supervisor should have been suspended for at least a year."

Respondent #6—"More should have been done to hold the clinic liable for the death of my dog."

Respondent #16—"As a citizen and consumer, I feel the matter was not handled with aggressive action."

Additional Comments

Respondent #19—"I am not satisfied with this pediatric neutering for 13 week old puppies. I don't understand why this is done at such an early age when it seems to work better at 6 months or older."

APPENDICES

Smart Budget 2007 4th Quarter Performance Report

Smart Quarterly Performance Report											
Fiscal Year: 2007											
Agency: 334 Veterinary Medical Examiners, Alabama State Board of											
Org:											
Program: 663 PRO AND OCCU LICENSING AND REG											
Activity:											
Performance Measures		First Quarter		Second Quarter		Third Quarter		Fourth Quarter		Annual	
Workload/Cost Factor	Performance Indicator	Projected	Actual	Projected	Actual	Projected	Actual	Projected	Actual	Projected	Actual
WC1: 1900 DOCTORS OF VETERINARY MEDICINE	#	1,200	1,237	600	166	75	5	25	0	1,900	0
WC2: 270 LICENSED VETERINARY TECHNICIANS	#	200	163	50	39	10	0	10	0	270	0
WC3: 550 VETERINARY PREMISES	#	450	420	50	2	25	4	25	0	450	0
WC4: 75 CERTIFIED EUTHANASIA TECHNICIANS	#	60	67	5	4	5	7	5	0	75	0
WC5: 50 REGISTERED ANIMAL EUTHANASIA FACILITIES	#	30	27	10	2	5	3	5	0	50	0
WC6: 50 COMPLAINTS	#	25	13	10	21	10	14	5	0	50	0
Spending	Performance Indicator	Projected	Actual	Projected	Actual	Projected	Actual	Projected	Actual	Projected	Actual
SP1: Increase administrative spending by no more than 3%.	(% increase)	130,000	94,958	114,000	88,791	101,000	77,158	100,000	0	445,000	0
Staffing	Performance Indicator	Projected	Actual	Projected	Actual	Projected	Actual	Projected	Actual	Projected	Actual
ST1: Add no more than 1 FTE staff member to help handle euthanasia responsibilities.	# FTE Staff	3	2	3	2	3	2	3	0	3	0
Efficiency	Performance Indicator	Projected	Actual	Projected	Actual	Projected	Actual	Projected	Actual	Projected	Actual
EF1: Reduce administrative time required to process application by 20%.	% applications	1.2	1.2	1.2	1.2	1.2	1.2	1.2	0	1.2	0
Quality	Performance Indicator	Projected	Actual	Projected	Actual	Projected	Actual	Projected	Actual	Projected	Actual
QU1: Resolve 75% of complaints satisfactorily within 60 days of filing.	% resolved	75	23	75	23	75	23	75	0	75	0
Item #	Notes										
QU1:	Under complaints it is noted that after speaking with the auditors that this figure should read 90 days to coincide with the quarterly reports. It is difficult to measure accurate percentages. I will be making that change with the new budget request.										
0:	Second quarter data was submitted late and the late submittal request was approved by Mr. Main on 5/30/07. Second quarter actuals were entered by EPO Planning Analyst, Laura Blasing, on 6/8/07.										
How have policy decisions and budget determinations made by the governor and the legislature in the fiscal year 2006-07 affected your agency in meeting its desired accomplishments and services?											

No Answer Available
What administrative improvements did your agency make in fiscal year 2006-07 and what potential improvements do you foresee for future years? Include suggested changes in legislation or administrative procedures which would aid your agency in these improvements.
No Answer Available

Smart Budget 2008 2nd Quarter Performance Report

Friday, May 23, 2008
EBO Form 10

FY 08 SMART Quarterly Performance Report Basic Agency

Page 1 of 2

Agency:	334 - Veterinary Medical Examiners, Alabama State Board of				Program:	653 - PRO AND OCCU LICENSING AND REG				
Organization:	-				Activity:	-				
Mission:	To serve & protect the people of Alabama by examining, licensing and monitoring veterinary medical professionals to insure a high standard of integrity and skill and to prosecute all illegal practices of veterinary medicine. (Code Sec. 34-29-60 et. seq.)									
Workload Measures and Quarterly Projections										
	First Quarter		Second Quarter		Third Quarter		Fourth Quarter		Annual	
Workload Measure	Projected	Actual	Projected	Actual	Projected	Actual *	Projected	Actual *	Projected	Actual *
W1: Veterinary Licenses Issued	1500	1,578	500	77	100	0	100	0	2200	0
W2: Veterinary Technician Licenses Issued	200	183	50	54	25	0	25	0	300	0
W3: Veterinary Premise Permits Issued	500	454	75	86	15	0	10	0	600	0
W4: Euthanasia Technician Certifications Issued	100	72	10	38	10	0	5	0	125	0
* Actual workload data is not currently available for this quarter.										

FY 08 SMART Quarterly Performance Report

Basic Agency

Agency: 334 - Veterinary Medical Examiners, Alabama State Board				Program: 653 - PRO AND OCCU LICENSING AND REG							
Organization: -				Activity: -							
Key Goal:											
Goal 1	To identify and bring into compliance, all animal euthanasia shelters in Alabama in accordance with Act 2004-523.								Governor's Priority:		4
Objectives and Quarterly Targets:											
Performance Measures		First Quarter		Second Quarter		Third Quarter		Fourth Quarter		Annual	
Objectives	Unit of Measure	Target	Actual	Target	Actual	Target	Actual *	Target	Actual *	Target	Actual *
(O1-Efficiency) To identify all euthanasia shelters currently performing humane euthanasia in Alabama.	percentile	25	0	25	39	25	0	25	0	100	0
* Actual performance data is not currently available for this quarter.											

Statutory Authority

ARTICLE 4. VETERINARY PRACTICE.

§ 34-29-60. Short title. [References](#)

This article shall be known as the Alabama Veterinary Practice Act.
(Acts 1986, No. 86-500, p. 956, § 1.)

REFERENCES

RESEARCH REFERENCES

Forms

Am. Jur. Pl. & Pr. Forms Veterinarians § 3, Statutory References.

§ 34-29-61. Definitions. [Historical Notes](#)

For the purposes of this article, the following terms shall have the following meanings ascribed by this section:

(1) Accredited school of veterinary medicine. Any veterinary college or division of a university or college that offers the degree of doctor of veterinary medicine or its equivalent and is accredited by the American Veterinary Medical Association (AVMA).

(2) Animal. Any animal or mammal other than man, including birds, fish, reptiles, wild or domestic, living or dead.

(3) Applicant. A person who files an application to be licensed to practice veterinary medicine or licensed as a veterinary technician.

(4) Board. Alabama State Board of Veterinary Medical Examiners.

(5) Consulting veterinarian. A veterinarian licensed in another state who gives advice or demonstrates techniques to a licensed Alabama veterinarian or group of licensed Alabama veterinarians. A consulting veterinarian shall not utilize this privilege to circumvent the law.

(6) Direct supervision. The supervising veterinarian is on the premises and is quickly and easily available and the animal has been initially examined by a veterinarian and examined by a veterinarian at such other times as acceptable veterinary medical practice requires, consistent with the particular delegated animal health care task.

(7) Emergency. The animal has been placed in a life threatening condition and immediate treatment is necessary to sustain life.

(8) Foreign veterinary graduate, excluding Canada. Any person, including a foreign national or an American citizen, who has received a professional veterinarian medical degree from an American Veterinary Medical Association listed veterinary college that is not accredited by the American Veterinary Medical Association.

(9) Immediate supervision. The supervising veterinarian is in audible and visual

range of the animal patient and the person treating the patient.

(10) Indirect supervision. The supervising veterinarian is not on the premises, but has given either written or oral instructions for the treatment of the animal patient and the animal has been initially examined by a veterinarian.

(11) License. Any permit, approval, registration, or certificate of qualification issued by the board.

(12) Licensed veterinarian. A person who is validly and currently licensed to practice veterinary medicine in Alabama.

(13) Person. Any individual, firm, partnership, association, joint venture, cooperative, or corporation or any other group or combination acting in concert; and whether or not acting as a principal, trustee, fiduciary, receiver, or as any kind of legal or personal representative, or as the successor in interest, assigning agent, factor, servant, employee, director, officer, or any other representative of such person.

(14) Practice of veterinary medicine:

a. To diagnose, treat, correct, change, relieve, or prevent animal disease, deformity, defect, injury, or other physical or mental condition; including the prescription or administration of any drug, medicine, biologic, apparatus, application, anesthesia, or other therapeutic or diagnostic substance or technique on any animal including but not limited to acupuncture, dentistry, animal psychology, animal chiropractic, theriogenology, surgery, including cosmetic surgery, any manual, mechanical, biological, or chemical procedure for testing for pregnancy or for correcting sterility or infertility, or to render service or recommendations with regard to any of the above.

b. To represent directly or indirectly, publicly or privately, an ability and willingness to do any act described in paragraph a.

c. To use any title, words, abbreviations, or letters in a manner or under circumstances which induce the belief that the person using them is qualified to do any act described in paragraph a. Such use shall be prima facie evidence of the intention to represent oneself as engaged in the practice of veterinary medicine.

d. Collects blood or other samples for the purpose of diagnosing disease or other conditions. This paragraph shall not apply to unlicensed personnel employed by the United States Department of Agriculture or the Alabama Department of Agriculture who are engaged in the Brucellosis eradication program or external parasite control program pursuant to Section 2-15-192.

e. To remove any embryo from a food animal or companion animal for the purpose of transplanting the embryo into another female animal or for the purpose of cryopreserving the embryo, or to implant the embryo into a food or companion animal. It shall not be considered the practice of veterinary medicine for a person or his or her full-time employees to remove an embryo from the food or companion animal of the person for the purpose of transplanting or cryopreserving the embryo, or to implant an embryo into the food or companion animal of the person, provided ownership of the food or companion animal shall not be transferred or employment of the person shall not be changed for the purpose of circumventing this article.

f. To provide veterinary medical services to a client or patient in this state, through telephonic, electronic, or other means, regardless of the location of the

veterinarian, shall constitute the practice of veterinary medicine in this state and shall require licensure within this state and a veterinarian-client-patient relationship must be established.

(15) Supervising veterinarian. A veterinarian who assumes responsibility for the professional care given to an animal by a person working under his or her direction.

(16) Temporary license. Temporary permission to practice veterinary medicine issued by the board pursuant to this article.

(17) Unregistered assistant. Any individual who is not a veterinary technician or veterinarian and is employed by a licensed veterinarian.

(18) Veterinarian, Doctor of Veterinary Medicine, DVM, VMD, or equivalent title. A person who has received a doctor's degree in veterinary medicine from an accredited school of veterinary medicine or holds an educational commission for foreign veterinary graduates (ECFVG) certificate issued by the American Veterinary Medical Association (AVMA).

(19) Veterinarian-Client-Patient Relationship (VCPR). A relationship when the veterinarian has assumed responsibility for making medical judgments regarding the health of the animal or animals and the need for medical treatment and is created by actual examination by the veterinarian of the animal or a representative segment of a consignment or herd.

(20) Veterinary facilities. Any place or unit from which the practice of veterinary medicine is conducted. The following are types of veterinary facilities:

a. Veterinary or Animal Hospital or Clinic. Meets or exceeds all mandatory requirements as listed in the administrative code of the board for veterinary facilities. In doing so, it provides quality examination, diagnostic and health maintenance services for medical and surgical treatment of animals and is equipped to provide housing and nursing care for the animals during illness or convalescence.

b. Specialty Practice or Clinic. Provides complete specialty service by a veterinarian who has advanced training in that specialty and is a diplomat of an approved specialty college. It meets all minimum standards that are applicable to that specialty.

c. Central Hospital. Shall meet all requirements of paragraph a, as well as provide specialized care including 24-hour nursing care and specialty consultation on a permanent or on-call basis. It is mainly utilized on referral from area veterinary hospitals or clinics.

d. Satellite, Outpatient, or Mobile Small Animal Clinics. A supportive facility owned by or associated with, or both, and has ready access to, within a reasonable distance, a full-service veterinary hospital or clinic or a central hospital providing all mandatory services and meeting all minimum standards. The public shall be informed of the limitation of services by way of a posted notice in plain view and easily readable or by notice provided to the client by flyer or card which clearly specifies those mandatory veterinary medical services which are not provided. In addition, the main location and telephone number of the veterinary hospital or clinic providing the required service, as well as the signed agreement with the veterinary hospital or clinic shall also be posted in plain view and be easily readable. A veterinarian associated with this veterinary hospital or clinic shall be

on call during and after operation of the satellite, outpatient, or mobile clinic to render aid if necessary. The personnel of satellite, outpatient, or mobile clinics shall consist of one or more veterinarians and auxiliary personnel necessary to provide adequate outpatient service. Operation of any satellite, outpatient, or mobile clinic shall be under the direct supervision of a licensed veterinarian who remains on the premises during the entire time of operation.

e. Large Animal Mobile Clinic. Must provide examination, diagnostic and preventive medicine, and minor surgical services for large animals not requiring confinement or hospitalization. Emergency service and radiology service shall be provided by that veterinarian or by written agreement with another veterinarian or group of veterinarians in practice in that locale. These clinics shall provide a degree of veterinary care compatible with the level of standards considered adequate to the practice of veterinary medicine currently available in the area. Complete hospital facilities may be provided by the nearest large animal hospital or veterinary school.

f. Emergency Clinic. A facility established to receive patients and to treat illnesses and injuries of an emergency nature requiring treatment. The clinic shall provide professional diagnostic and emergency treatment during hours when local veterinary hospitals are normally closed. Emergency clinics shall meet all mandatory requirements of a veterinary hospital or clinic.

(21) Veterinary medicine. Includes veterinary surgery, theriogenology, dentistry, acupuncture, animal psychology, chiropractic, and all other branches or specialties of veterinary practice.

(22) Veterinary intern. A person who is working towards completion of an ECFVG certificate and who is working under the direct or indirect supervision of a board approved licensed veterinarian in any state to complete the practical experience internship required for licensing in Alabama.

(23) Veterinary student preceptee. A person who is pursuing a veterinary degree in an accredited school of veterinary medicine which has a preceptor or extern program and who has completed the academic requirements of the program.

(24) Veterinary technician, licensed veterinary assistant, veterinary technologist, animal technologist, animal technician. Persons other than a veterinarian who have successfully completed a post-high school course in the care and treatment of animals which is accredited by the AVMA Committee on Activities and Training (CATAT) or is approved by the Alabama board and is licensed in this state to perform acts which require limited skill, responsibility, and minimal exercise of independent judgement in the treatment of patients of veterinarians and under direct, indirect, or immediate supervision of a veterinarian as herein and hereafter provided.

(25) Wholesale veterinary drug distributor. A person engaged in the business of distributing veterinary drugs and medicines for resale to veterinary practitioners and other veterinary wholesalers and possesses a current permit issued by the Alabama Board of Pharmacy to engage in the selling of veterinary drugs or medicines in the State of Alabama.

(Acts 1986, No. 86-500, p. 956, § 2; Acts 1987, No. 87-794, p. 1557, § 2; Acts 1997, No. 97-249, p. 431, § 1; Act 2006-590, p. 1596, § 1.)

HISTORICAL NOTES

HISTORY

Amendment notes:

The 1997 amendment, effective August 1, 1997, in the introductory matter substituted "following" for "respective", in subdivision (2) substituted "man, including" for "man and includes", in subdivision (5) substituted "shall not" for "can in no way", in subdivision (6) inserted "initially" and substituted "and examined by a veterinarian at such other" for "at such", in subdivision (8) substituted ", excluding Canada" for "(excludes Canada)", in subdivision (10) inserted "initially" and deleted "at such times as acceptable veterinarian medical practice requires, consistent with the particular delegated health care task, and the animal is not anesthetized" following "a veterinarian", in subdivision (14), in paragraph a substituted "chiropractic" for "chiropracty", in paragraph b deleted "above" following "paragraph a", in paragraph d inserted "paragraph" and substituted "pursuant to" for "as per" and in paragraph e substituted "the" for "such" in five places, substituted "animal. It" for "animal, provided, however, it", inserted "or her", substituted "the food or companion animal of the person" for "such person's own food or companion animal" in two places and substituted "article" for "law", in subdivision (15) substituted "Temporary" for "Any temporary", in subdivision (16) substituted "a veterinary" for "an animal", in subdivision (17) substituted "for" for "on", in subdivision (18) substituted "shall" for "must" in seven places, in paragraph a substituted "administrative code of the board" for "board bylaws" and substituted "the animals" for "them", in paragraph b substituted "Provides" for "Must provide" and substituted "meets" for "must meet", in paragraph c substituted "paragraph a" for "a above", in paragraph d substituted "or associated with, or both," for "and/or associated with" in the first sentence, substituted "shall" for "will" and inserted "the" preceding "client" in the second sentence and deleted the fifth sentence, in paragraph e inserted "radiology service" and in paragraph f substituted "The clinic" for "They", in subdivision (19) substituted "chiropractic," for "chiropracty", in subdivision (20) deleted "who has received his DVM or equivalent degree from an accredited veterinary college or" following "A person" and deleted "six-month" preceding "practical", in subdivision (21) substituted "the" for "such" following "requirements of", and in subdivision (22) substituted "herein and hereafter" for "here and after"; and made nonsubstantive changes.

The 2006 amendment, effective July 1, 2006, in subdivisions (6), (9) and (10) substituted "supervising veterinarian" for "veterinarian", in subdivision (14) inserted paragraph f., redesignated subdivisions (15)-(22) as subdivisions (16)-(18) and (20)-(24), respectively, and added subdivisions (15), (19) and (25).

§ 34-29-62. Legislative intent.

by safeguarding the people of the State of Alabama against unqualified or incompetent practice of veterinary medicine, it is hereby declared that the right to practice veterinary medicine is a privilege conferred by legislative grant to persons possessed of the personal and professional qualifications specified in this article. It is the legislative intent that veterinarians who are not normally competent or who otherwise present a danger to the public shall be disciplined or prohibited from practicing in the State of Alabama. (Acts 1986, No. 86-500, p. 956, § 3.)

§ 34-29-63. State Board of Veterinary Medical Examiners established; membership generally. [Historical Notes](#) [References](#)

(a) There is established a state board to consist of eight members to be known as the Alabama State Board of Veterinary Medical Examiners.

(b) Each of the eight members of the board shall be appointed by the Governor from a list of three persons nominated and submitted to him or her by the Alabama Veterinary Medical Association at least 30 days prior to appointment.

(c) The term of each member of the board shall be four years unless removed or until a successor is appointed and qualified. Vacancies shall be filled by appointment by the Governor as provided in subsection (b).

(d) No person may serve as a member of the board for more than 13 years total.

(e) Members shall not serve more than two consecutive terms of office.

(Acts 1986, No. 86-500, p. 956, § 4; Acts 1987, No. 87-794, p. 1557, § 3; Acts 1989, No. 89-236, p. 310, § 3, Acts 1997, No. 97-249, p. 431, § 1; Act 2001-249, p. 299, § 3.)

HISTORICAL NOTES

HISTORY

Amendment notes:

The 1997 amendment, effective August 1, 1997, in subsection (a) deleted "and" following "members"; in subsection (b) inserted "or her"; in subsection (c) substituted "four" for "five", substituted "appointment by the Governor" for "the Governor's appointment", and deleted "of this section; except that on and after April 6, 1989, all successor members shall serve terms of office of four years each" following "subsection (b)"; deleted subsection (d); and redesignated subsections (e) and (f) as subsections (d) and (e), respectively.

The 2001 amendment, effective April 19, 2001, in subsections (a) and (b) substituted "eight" for "five".

Code Commissioner's Notes

Section 2 of Acts 1989, No. 89-236 provides: "The existence and functioning of the Board of Veterinary Medical Examiners, created and functioning pursuant to sections 34-29-60 through 34-29-94, Code of Alabama 1975, is hereby continued, and said code sections are hereby expressly preserved."

Acts 1993, No. 93-155 § 2 provides: "The existence and functioning of the Alabama State Board of Veterinary Medical Examiners, created and functioning pursuant to Sections 34-29-60 to 34-29-94, inclusive, is continued, and those code sections are expressly preserved."

Acts 1997, 97-168, § 2, provides: "The existence and functioning of the Alabama State Board of Veterinary Medical Examiners, created and functioning pursuant to Sections 34-29-60 to 34-29-94, inclusive, Code of Alabama 1975, is continued, and those code sections are expressly preserved."

Act 2001-249, § 2 provides: "The existence and functioning of the Alabama State Board of Veterinary Medical Examiners, created and functioning pursuant to Sections 34-29-60 to 34-29-111, inclusive, Code of Alabama 1975, is continued, and those code sections are expressly preserved."


Act 2005-78, § 2 provides: "The existence and functioning of the Alabama State

Board of Veterinary Medical Examiners, created and functioning pursuant to Sections 34-29-60 through 34-29-111, Code of Alabama 1975, is continued, and those code sections are expressly preserved."

REFERENCES

LIBRARY REFERENCES

American Digest System:

Physicians and Surgeons 5(1); States 45.

Corpus Juris Secundum:

C.J.S. Physicians, Surgeons, and other Health-Care Providers §§ 12-13, 18; States §§ 79-80, 82, 136.

§ 34-29-64. Qualifications of members; removal. [Historical Notes](#) [References](#)

(a)(1) Six members of the board shall be graduates of an accredited school of veterinary medicine; legal residents of Alabama; currently and validly licensed to practice veterinary medicine in Alabama; actively employed and licensed in the practice of veterinary medicine in the State of Alabama for the five years immediately prior to appointment; and continuing at least 35 hours per week in the practice of veterinary medicine while serving on the board.

(2) One member of the board shall be a licensed veterinary technician.

(3) One member of the board shall be a consumer.

(b) No person who has been appointed to the board shall continue membership on the board if, during the term of his or her appointment, he or she shall have done any of the following:

(1) Transfer his or her legal residence to another state.

(2) Own or be employed by any wholesale or jobbing house dealing in supplies, equipment, or instruments used or useful in the practice of veterinary medicine.

(3) Have his or her license to practice veterinary medicine as a veterinarian or as a licensed veterinary technician rescinded.

(4) Miss three consecutive meetings of the board.

(5) Be guilty of misconduct or gross inefficiency.

(c) The board shall establish procedures for the removal of members who violate one or more of the provisions of subsection (b).

(Acts 1986, No. 86-500, p. 956, § 5; Acts 1987, No. 87-794, p. 1557, § 4; Acts 1997, No. 97-249, p. 431, § 1; Act 2001-249, p. 299, § 3.)

HISTORICAL NOTES

HISTORY

Amendment notes:

The 1997 amendment, effective August 1, 1997, in subsection (a) substituted a semicolon for "and" following "resident of Alabama", and substituted "appointment; and" for "his appointment;"; in subsection (b) inserted "or her" in three places, in the introductory matter deleted "his" following "continue" and substituted "or she shall have done any of the following" for "shall", and in subdivisions (1)-(4) substituted a

concluding period for ", or"; and in subsection (c) deleted "of this section" following "subsection (b)".

The 2001 amendment, effective April 19, 2001, in subsection (a) inserted the subdivision (1) designator, substituted "Six members" for "Each member", substituted "graduates" for "a graduate", substituted "legal residents" for "a legal resident", and added subdivisions (2) and (3); and in subdivision (b)(3) inserted "as a veterinarian or as a licensed veterinary technician".

REFERENCES

LIBRARY REFERENCES

American Digest System:

Physicians and Surgeons ☒5(1).

Corpus Juris Secundum:

C.J.S. Physicians, Surgeons, and other Health-Care Providers §§ 12-13, 18.

§ 34-29-65. Executive director; incapacitation of director; official bond.

Historical Notes References

(a) The board may employ an executive director, prescribe the duties, and set the salary of the executive director.

(b) In the event the director should become incapacitated or unable to perform the duties of the position, the board may employ a person or persons to assume the duties of the director for as long as the board deems necessary.

(c) The director shall make and file with the Secretary of State an official bond in an amount to be fixed by the board. Premiums of the bond shall be paid out of funds of the board. The bond shall be payable to the State of Alabama and shall be written by an approved bonding company licensed to do business in the State of Alabama.

(Acts 1986, No. 86-500, p. 956, § 6; Acts 1987, No. 87-794, p. 1557, § 6; Acts 1997, No. 97-249, p. 431, § 1.)

HISTORICAL NOTES

HISTORY

Amendment notes:

The 1997 amendment, effective August 1, 1997, inserted the subsection (a) designator, substituted "may" for "shall have the authority to", substituted "director" for "secretary", substituted "the" for "said person's" in two places, and substituted "of the executive director" for "at a sum not to exceed \$30,000.00 per year"; and added subsections (b) and (c).

REFERENCES

LIBRARY REFERENCES

American Digest System:

Physicians and Surgeons ☒5(1).

Corpus Juris Secundum:

C.J.S. Physicians, Surgeons, and other Health-Care Providers §§ 12-13, 18.

§ 34-29-66. President and vice-president; bylaws; meetings; quorum; records.

Historical Notes References

(a) The board shall elect from its members a president and vice-president, each of whom shall serve a term of one year.

(b) The board shall do all of the following:

(1) Adopt rules and regulations to be compiled as an administrative code.

(2) Name a definite time and place for meetings.

(3) Have at least two business meetings each year called by the president, which shall be in addition to meetings for the conduct of examinations.

(4) Give notice in writing at least 10 days prior to the date on which the two annual business meetings are held to Alabama licensed veterinarians.

(5) Have a majority of sitting members of the board as a quorum.

(6) Hold meetings and administrative hearings open to the public except where closed to prepare, approve, administer, or grade examinations or to deliberate the qualifications of an applicant for licensing or the disposition of a proceeding to discipline a licensed veterinarian or any other person licensed under this article.

(7) Hold special meetings called by the president or vice-president of the board and meet anywhere in Alabama.

(8) Keep complete and accurate records of all meetings and these records, except the records of closed meetings as provided in subdivision (6), shall be open to the public.

(Acts 1986, No. 86-500, p. 956, § 7; Acts 1997, No. 97-249, p. 431, § 1.)

HISTORICAL NOTES

HISTORY

Amendment notes:

The 1997 amendment, effective August 1, 1997, in subsection (a) substituted "elect from its members" for "from its members elect"; in subsection (b) inserted "do all of the following", in subdivision (1) substituted "rules and regulations to be compiled as an administrative code." for "bylaws;"; in subdivision (5) substituted "sitting" for "three", in subdivision (6) inserted "and administrative hearings", inserted "the" following "deliberate" and inserted "an applicant for licensing or the disposition of", in subdivision (7) substituted a concluding period for "; and", and in subdivision (8) deleted "of this section" following "subdivision (6)" and deleted the second sentence; and made nonsubstantive changes.

REFERENCES

ADMINISTRATIVE CODE

23 Ala. Admin. Code 930-X-1-.02, Board of Veterinary Medicine; Organization.

LIBRARY REFERENCES

American Digest System:

Physicians and Surgeons ☒5(1).

Corpus Juris Secundum:

C.J.S. Physicians, Surgeons, and other Health-Care Providers §§ 12-13, 18.

§ 34-29-67. Compensation and expenses; expenditure of funds. [Historical Notes](#) [References](#)

The members of the board shall receive two hundred dollars (\$200) a day for each day or a portion thereof the member is actually engaged in the work of the board, and in addition, the usual per diem expenses allowed to other persons acting in the service of the State of Alabama or any of its agencies, institutions, boards, bureaus, or commissions. The legal expenses of the board for administration of this article shall be paid from funds in the State Treasury to the credit of the board and shall be paid only on warrant of the State Treasurer and approved by the Governor. No funds shall be withdrawn or expended except as budgeted and allotted pursuant to Title 41, Chapter 4, Article 4, and only in amounts as stipulated in the general appropriations act.

(Acts 1986, No. 86-500, p. 956, § 8; Acts 1997, No. 97-249, p. 431, § 1; Act 2006-590, p. 1596, § 1.)

HISTORICAL NOTES

HISTORY

Amendment notes:

The 1997 amendment, effective August 1, 1997, substituted "one hundred dollars (\$100)" for "\$100.00", substituted "the" for "such a" following "portion thereof", inserted a comma following "bureaus", and substituted "pursuant to" for "according to the provisions of".

The 2006 amendment, effective July 1, 2006, substituted "two hundred dollars (\$200)" for "one hundred dollars (\$100)".

REFERENCES

LIBRARY REFERENCES

American Digest System:

Physicians and Surgeons ☒5(1).

Corpus Juris Secundum:

C.J.S. Physicians, Surgeons, and other Health-Care Providers §§ 12-13, 18.

§ 34-29-68. Records to be kept; issuances and denials of licenses; what records are confidential. [Historical Notes](#) [References](#)

The board shall keep records of its proceedings in a book provided for that purpose, especially with relation to the issuance, denial, renewal, suspension, and revocation of licenses to practice veterinary medicine. All licenses issued by the board shall be numbered and recorded by the executive director in a file for that purpose. Where a license is denied by the board to any applicant under this article, the facts and grounds of denial shall be entered in the minutes of the board. The issuance or denial of a license shall be noted along with the names of those board members present and the file shall be maintained by the board. Information received by the board through applications, complaints, inspections, and investigations shall be confidential and shall not be disclosed, except in a proceeding involving the question of the issuance of a license or disciplinary proceedings against a licensee or if authorized by law, a non-licensee. The board shall also be responsible for keeping a list of its members and their current status of license, whether revoked, inactive, suspended, etc.
(Acts 1986, No. 86-500, p. 956, § 9; Acts 1997, No. 97-249, p. 431, § 1.)

HISTORICAL NOTES

HISTORY

Amendment notes:

The 1997 amendment, effective August 1, 1997, in the second sentence substituted "director" for "secretary" and substituted "purpose. Where" for "purpose; and where", in the present second sentence substituted "of" for "for such" following "grounds", in the present fourth sentence substituted "issuance or denial of a" for "time and issuance of denial of" and substituted "the file" for "such file or record shall be open to public inspection. These records", in the fifth sentence inserted "applications, complaints," and substituted "the issuance of a license or disciplinary proceedings against a licensee or if authorized by law, a non-licensee" for "license", and made nonsubstantive changes.

REFERENCES

LIBRARY REFERENCES

American Digest System:

Physicians and Surgeons ☒5(1).

Corpus Juris Secundum:

C.J.S. Physicians, Surgeons, and other Health-Care Providers §§ 12-13, 18.

§ 34-29-69. Powers of board. [Historical Notes](#) [References](#)

The board shall be a body corporate and shall have the power to do all of the following:

- (1) Examine and determine the qualifications and fitness of applicants for a license to practice veterinary medicine in the state.
- (2) Issue, renew, deny, suspend, and revoke licenses, issue private reprimands and private informed admonitions to practitioners who practice veterinary medicine in this state, or otherwise discipline or censure veterinary professionals, irrespective of their licensure status, whether active, inactive, expired, lapsed, surrendered, or disciplined, relative to acts, omissions, complaints, and investigations which occurred during the

licensure period consistent with this article.

(3) Conduct investigations for the purpose of discovering violations of this article or grounds for disciplining licensed veterinary professionals or other non-licensed individuals pursuant to the administrative code of the board and appoint individuals and committees to assist in the investigations. Jurisdiction of the board shall extend to non-licensed individuals engaging in the unauthorized practice of veterinary medicine. It is the intent of this section that licensees may not divest the board of jurisdiction by changing or relinquishing licensure status. The board shall have the power to subpoena records.

(4) Have a common seal and act as a corporate body with the right to sue and be sued, hold hearings, subpoena witnesses, compel the production of any books, records, papers, or documents, and take testimony bearing on the records of applicants for licensing to practice veterinary medicine and surgery in Alabama and on the records of practitioners who may be under consideration by the board for charges of misconduct.

(5) Employ full-time or part-time personnel, including an executive director as previously provided, professional, clerical, or special personnel as necessary to effectuate this article and to purchase or rent necessary office space, equipment, and supplies.

(6) Appoint from its own membership one or more members to act as representatives of the board at any meeting in or out of the state when representation is deemed desirable. The delegate or delegates from the board shall attend the annual meeting of the American Association of Veterinary State Boards and his or her expenses shall be paid by the board. The board may authorize the attendance of the executive director, legal counsel, or other staff members of the board at any meeting described in this subdivision.

(7) Adopt, amend, or repeal all rules necessary for its governance and all regulations necessary to carry into effect the provisions of this article in accordance with the Administrative Procedure Act, including, but not limited to, the establishment and publication of rules of professional conduct for the practice of veterinary medicine. These regulations shall be known as the Alabama State Board of Veterinary Medical Examiners Administrative Code. They shall be published and distributed to all licensed Alabama veterinarians and to all applicants for licensing. Any proposed changes to the administrative code shall be published in the official newsletter of the Alabama Veterinary Medical Association and mailed to all Alabama licensed veterinarians. A period of 10 days shall be allowed to post publication or notification so that any Alabama licensed veterinarian opposing the changes has time to request a hearing as hereafter provided.

(8) To fix minimum standards for continuing veterinary medical education which standards shall be a condition precedent to the renewal of a license under this article.

(9) To inspect any hospitals, clinics, satellites, outpatient clinics, mobile clinics, or other places utilized for the practice of veterinary medicine. An inspection shall be made by the board's authorized representative(s). The inspection shall be for the purpose of reporting such inspection to the board on a form prescribed by the board or for seeking disciplinary action in cases of violation of this article or violation of other health and sanitation regulations duly established and published by the board or

other duly constituted state authorities having jurisdiction in such matters.

Notwithstanding any other provision of law, if certain equipment or services required by rule or regulation of the board to be available at a premises are not available at a premises, a written and signed agreement may be provided to the board demonstrating that the arrangements have been made to provide the equipment or services at a location that is within a reasonable distance from the premises.

(10) To provide special registration for veterinarian technicians, and if desired, veterinary interns, and veterinary student preceptees and to adopt regulations concerning the training, legislation, and service limits of those assistants while employed by and acting under the supervision and responsibilities of licensed veterinarians. The board shall have exclusive jurisdiction in determining eligibility and qualification requirements and in granting or refusing to grant or to suspend or revoke registration. Any suspension or revocation of a special registration issued under this section shall be conducted pursuant to the Code of Alabama 1975.

(11) Establish and publish annually a schedule of fees for the licensing or registration, or both, and for renewal of a license or registration for veterinarians and veterinary technicians pursuant to this article.

(12) Authorize any member of the board to sign complaints for the bringing of proceedings in courts for the enforcement of this article.

(13) To act as a corporate board or as an individual member of the board to prosecute in court on an action quo warranto, injunction, or any other proper suit to oust from practice unlawful practitioners and to assist the Attorney General or any other prosecutor for criminal violations of this article.

(14) For disciplinary purposes, to adopt, levy, and collect administrative fines for noncompliance by its licensees and other individuals engaging in the unauthorized practice of veterinary medicine of this chapter, or the administrative code of the board, of not less than two hundred fifty dollars (\$250), nor more than one thousand dollars (\$1,000) per violation, and to institute any legal proceedings necessary to effect compliance with this chapter.

(15) To promulgate and implement administrative rules and regulations in accordance with the State Administrative Procedure Act to provide for an inactive license status, an inactive license fee, and a reactivation process and reactivation fee. (Acts 1986, No. 86-500, p. 956, § 10; Acts 1989, No. 89-236, p. 310, § 3; Acts 1993, No. 93-155, p. 250, § 3; Acts 1997, No. 97-168, p. 243, § 3; Acts 1997, No. 97-249, p. 431, § 1; Act 2006-590, p. 1596, § 1.)

HISTORICAL NOTES

HISTORY

Amendment notes:

The 1993 amendment, effective April 6, 1993, in subdivision (2) deleted "licenses and" preceding "temporary," inserted "and permanent," inserted "and to," substituted "of Veterinary Medicine" for "who practice Veterinary Medicine," and deleted "the provisions of" following "consistent with"; deleted "the provisions of" following "effectuate" in subdivision (5); in subdivision (6), in the first sentence substituted "in" for "within," substituted "out of" for "without," and deleted "such" preceding "representation," and in the second sentence, substituted "shall" for "is required to," and

inserted "or her"; in subdivision (7), in the first sentence inserted "but not limited to," and inserted language beginning "and rules prohibiting fraudulent," substituted "shall" for "must" in the third and fourth sentences, and rewrote the last sentence; in subdivision (8) divided the former first sentence into the present first and second sentences, deleted "which" following "education" in the first sentence, and inserted "Compliance with these" in the second sentence; in subdivision (9), deleted "or" preceding "mobile clinics" in the first sentence, and substituted "An" for "Such" in the second sentence; in subdivision (10) divided the former first sentence into the present first, second, and third sentences, in the first sentence substituted "those persons" for "such persons," and deleted "and to" following "Licensed Veterinarians," in the second sentence inserted "the board shall," and deleted "providing that" following "registration," substituted "pursuant to the Code of Alabama 1975" for "under the provisions of the Alabama Code" in the last sentence; in subdivision (11) substituted "the issuance and renewal of a license or registration" for "licensing and/or registration and for renewal of same," and deleted "and in accordance with the provisions of" following "pursuant to"; in subdivision (13) substituted "prosecutor" for "solicitor," and deleted "and" following "article"; and deleted "provisions of" following "licensees of" in subdivision (14).

The 1997 amendments. -- The 1997 amendment by Acts 1997, No. 97-168, § 3, in subdivision (4) inserted "compel the production of any books, records, papers, or documents," in subdivision (7) inserted "in accordance with the Administrative Procedure Act", added the undesignated subdivision preceding subdivision (10), in subdivision (14) substituted "two hundred fifty dollars (\$250)" for "\$250" and substituted "one thousand dollars (\$1,000)" for "\$1,000", and added subdivision (15). For effective date, see the Code Commissioner's note below.

The 1997 amendment by Acts 1997, No. 249, § 1, in the introductory matter inserted "do all of the following", in subdivision (2) substituted "licenses," for "temporary and permanent licenses, and to" and substituted "who practice" for "of", in subdivision (3) substituted "the administrative code of the board" for "board rules and bylaws", in subdivision (5) substituted "director" for "secretary", in subdivision (6) added the third sentence, in subdivision (7) substituted "governance" for "government", deleted "and rules prohibiting fraudulent or misleading advertisements or solicitations by licensees of the board to the general public" following "medicine", substituted "Medical Examiners Administrative Code" for "Medicine Rules and Bylaws", substituted "the administrative code" for "these rules and bylaws", substituted "and" for "or" following "Association" and rewrote the fifth sentence, in subdivision (8) substituted "which" for ". Compliance with these", in subdivision (10) substituted "veterinarian" for "animal", inserted a comma following "interns" and substituted "assistants" for "persons", in subdivision (11) substituted "licensing or registration, or both, and for" for "issuance and", and in subdivision (14) substituted "the administrative code" for "rules". For effective date, see the Code Commissioner's note below.

The 2006 amendment, effective July 1, 2006, in subdivision (2) substituted "veterinary professionals, irrespective of their licensure status, whether active, inactive, expired, lapsed, surrendered, or disciplined, relative to acts, omissions, complaints, and investigations which occurred during the licensure period" for "licensed veterinarians", in subdivision (3) substituted "veterinary professionals or other non-licensed individuals" for "veterinarians" and added final three sentences, in subdivision (6) substituted "The

delegate or delegates" for "A delegate" and substituted "State Boards" for "Examiners", in subdivision (9) substituted "for the practice of veterinary medicine" for "by any practicing veterinarian" and substituted "of this article or violation of other health and sanitation" for "or practice of unreasonable health or sanitary", and in subdivision (14) inserted "and other individuals engaging in the unauthorized practice of veterinary medicine".

Code Commissioner's Notes

Section 34-29-69 was amended by Act 97-168, which became effective April 8, 1997, and Act 97-249, which became effective August 1, 1997. The two acts are not in substantive conflict and can be given effect and incorporated in the code section in a manner which will make the code section intelligible. Accordingly, the changes specified in both 1997 acts have been incorporated into the code section. The 1997 amendment notes specify the changes to the section prescribed by each act. The changes made pursuant to Act 97-168 are effective April 8, 1997, and the changes made pursuant to Act 97-249 are effective August 1, 1997.

REFERENCES

ADMINISTRATIVE CODE

23 Ala. Admin. Code 930-X-1-.12, Board of Veterinary Medicine; Continuing Education Requirements.

LIBRARY REFERENCES

American Digest System:

Physicians and Surgeons 5(1).

Corpus Juris Secundum:

C.J.S. Physicians, Surgeons, and other Health-Care Providers §§ 12-13, 18.

§ 34-29-70. Board of Veterinary Medical Examiners Fund; expenditures; transfer of excess. [Historical Notes](#) [References](#)

All revenues received by the board shall be accepted by the executive director and deposited with the Treasurer of the State to be credited to an account to be known as the Board of Veterinary Medical Examiners Fund. All expenses of the board shall be paid from the fund by vouchers signed by the executive director of the board and no part of the state's General Fund shall be expended for this purpose. Funds shall be a continuing account and shall not be subject to diversion to the State General Fund except to the extent that the balance in the fund at the close of any fiscal year exceeds the budget of the board by 200 percent, in which case the excess shall be transferred to and become a part of the State General Fund.

(Acts 1986, No. 86-500, p. 956, § 11; Acts 1997, No. 97-249, p. 431, § 1.)

HISTORICAL NOTES

HISTORY

Amendment notes:

The 1997 amendment, effective August 1, 1997, substituted "director" for

"secretary" in two places, deleted "by him" following "deposited", and substituted "medical examiners" for "medicine".

REFERENCES

LIBRARY REFERENCES

American Digest System:

Physicians and Surgeons ☒5(1).

Corpus Juris Secundum:

C.J.S. Physicians, Surgeons, and other Health-Care Providers §§ 12-13, 18.

§ 34-29-71. Temporary license. [Historical Notes](#) [References](#)

(a) The board may issue a temporary license to practice veterinary medicine to an unlicensed applicant providing the applicant meets all conditions and requirements of this article relating to qualifications of applicants for license to practice veterinary medicine. Any person applying for a temporary license shall associate himself or herself with a licensed doctor of veterinary medicine. His or her license shall be limited to the work of a licensed doctor of veterinary medicine and he or she shall not participate without direct supervision in the practice of or operation of a branch office, clinic, or allied establishment. An applicant may work under the indirect supervision in the primary clinic of his or her employer. The license, when granted, shall bear the name and address of the licensed doctor of veterinary medicine. There shall be a fee which shall not be refundable for the temporary license.

(b) Renewal of temporary licenses may be granted by the board. No temporary license shall be issued to an applicant who has not passed either the AVMA approved National Veterinary Licensing Exam or the National Board Examination for Veterinarians, and the Clinical Competency Test for Veterinarians, or has failed any portion of the Alabama state board examination.

(c) All temporary licenses shall expire 90 days from date of issue or on the day the applicant receives or is denied a license from the board, whichever date is earliest.

(d) Acceptance of a temporary license by an applicant shall be deemed to be consent for expiration of that license in accordance with this article.

(e) If employment ceases at the place of employment noted on the temporary license, then the board shall be notified or if there is more than one employer of that temporary license holder, the board shall be notified by the employer.

(Acts 1986, No. 86-500, p. 956, § 12; Acts 1987, No. 87-794, p. 1557, § 5; Acts 1989, No. 89-236, p. 310, § 3; Acts 1997, No. 97-249, p. 431, § 1; Act 2006-590, p. 1596, § 1.)

HISTORICAL NOTES

HISTORY

Amendment notes:

The 1997 amendment, effective August 1, 1997, in subsection (a), in the first sentence deleted ", upon taking the State Examination," following "issue" and substituted "the" for "such" following "providing", in the second sentence inserted "or herself", in the

third sentence inserted "or she", in the third and fourth sentences inserted "or her", and in the fourth sentence substituted "An" for "Such"; in subsection (b) rewrote the first sentence, and in the second sentence substituted "National Board Examination for Veterinarians, Clinical Competency Test for Veterinarians, or any portion of the Alabama State Board Examination" for "national or state section of the examination"; in subsection (c) inserted "90 days from date of issue or", and inserted ", whichever date is earliest"; in subsection (d) deleted "the provisions of" preceding "this article"; in subsection (e) substituted "shall" for "must" following "then the board", and substituted "the" for "said" following "notified by"; deleted subsection (f); and made nonsubstantive changes.

The 2006 amendment, effective July 1, 2006, in subsection (b) substituted "not passed either the AVMA approved National Veterinary Licensing Exam or" for "previously failed", inserted "and the" and inserted "has failed".

Code Commissioner's Notes

In 2006, the Code Commissioner in subsection (b) inserted "National Veterinary Licensing Program" for "National Licensing Exam" to reflect the name used in subsection (b) of Section 34-29-72 and to correct a manifest clerical error.

REFERENCES

LIBRARY REFERENCES

American Digest System:

Physicians and Surgeons ☒5(1, 4).

Corpus Juris Secundum:

C.J.S. Physicians, Surgeons, and other Health-Care Providers §§ 12-13, 18, 26-27.

§ 34-29-72. Application; qualifications; faculty license. [Historical Notes](#) [References](#)

(a) Any person desiring a license to practice veterinary medicine in this state shall make written application in the English language to the board. The application shall show that the applicant is at least 21 years old, is a graduate of an accredited veterinary school, and any other information and proof as the board may require pursuant to the administrative code of the board. The application shall be accompanied by application and examination fees in the amounts established and published by the board.

(b) Graduates of veterinary medical programs not accredited by the AVMA shall furnish satisfactory proof of an Educational Commission for Foreign Veterinarian Graduates (ECFVG) certificate or its equivalent provided by the American Veterinary Medical Association (AVMA), proof of completion of an internship as provided in Section 34-29-91, and of having, within three years of application to the State of Alabama, passed the AVMA approved National Veterinary Licensing Exam and proof of comprehension of and an ability to communicate in the English language.

(c) Any applicant satisfactorily completing the AVMA approved National Veterinary Licensing Exam in another state need not repeat the examination for licensure in Alabama, however, the board retains jurisdiction to require the applicant repeat any portion of the AVMA approved National Veterinary Licensing Exam or practice specific

examinations necessary to determine practice competency.

(d) If the board determines that the applicant possesses the proper qualifications, it shall admit the applicant to the next AVMA approved National Veterinary Licensing Examination or state board examination; or if the applicant is eligible for a license without examination under this article, the board may grant him or her a license.

(e) Licenses issued under this subsection shall not require graduation from an AVMA accredited college or school of veterinary medicine, shall not require that the licensee have passed either the NBE and CCT or the NAVLE, shall not require the licensee to hold an ECFVG certificate, and shall not require that a licensee be previously licensed in this state or in the United States. All practice of veterinary medicine in Alabama requires a license. All members of faculty at a college or school of veterinary medicine shall have a license if they practice on client-owned animals in direct association with their employment at the college or school. Notwithstanding any provision of law to the contrary, the board may issue a veterinary faculty license to any applicant who is a member of the faculty or staff at any college or school of veterinary medicine in this state and is involved in the instruction program of veterinary medicine students. Holders of a veterinary faculty license are permitted to practice veterinary medicine within their specialty or subspecialty, only as it relates to his or her regular function within the college or school. Such individuals shall be remunerated for the practice aspects of their employment solely from state, federal, or institutional funds.

(1) Applicants for a veterinary faculty license shall perform all of the following:

a. Complete the application form provided by the board, along with submitting a recent photograph and applicable fees.

b. Provide proof of graduation from a reputable college or school of veterinary medicine.

c. Provide proof of an appointment to the faculty of an Alabama school or college of veterinary medicine teaching veterinary students. This proof shall be provided by an authorized administrative official of the college or school.

d. Certify that he or she understands and agrees that the veterinary faculty license is valid only for the practice of veterinary medicine as a faculty member of the college or school where employed.

e. Demonstrate competency in the English language.

f. Take and pass the state board examination on the Alabama practice act.

(2) The license issued pursuant to this subsection shall always be prominently displayed.

(3) The license issued pursuant to this subsection restricts the holder to practice that is confined to clinical and hospital units or field services units, or both, of the college or school of veterinary medicine where employed.

(4) The license issued pursuant to this subsection may be disciplined, suspended, or revoked in accordance with this article.

(5) The license issued pursuant to this subsection shall be cancelled by the board upon receipt of information that the holder of the license has left or has otherwise been discontinued from faculty employment at a college or school of veterinary medicine in Alabama.

(6) The board recognizes that flexibility is needed in licensing eminent scholars from around the world. The primary purpose of the veterinary faculty license is to

allow deans of Alabama's colleges and schools of veterinary medicine a standardized procedure through which to bring talents to our faculties and to license them, keeping them subject to this article.

(Acts 1986, No. 86-500, p. 956, § 13; Acts 1997, No. 97-249, p. 431, § 1; Act 2006-590, p. 1596, § 1.)

HISTORICAL NOTES

HISTORY

Amendment notes:

The 1997 amendment, effective August 1, 1997, in subsection (a) substituted "state shall" for "state must", substituted "school, and any other" for "school and is a person of good moral character and other such", and substituted "pursuant to the administrative code of the board" for "by rule"; in subsection (b) substituted "for foreign" for "of foreign", substituted "graduates" for "graduate", substituted "proof of completion of" for "completing", inserted a comma following "Examiners", and inserted "proof"; in subsection (c) substituted "for veterinarians in another state" for "within three years of application", and inserted "for licensure in Alabama"; and in subsection (d) deleted "the provisions of" preceding "this article", and substituted "grant him or her" for "forthwith grant him".

The 2006 amendment, effective July 1, 2006, in subsection (b) substituted "veterinary medical programs not accredited by the AVMA" for "nonaccredited colleges of veterinary medicine outside the United States and Canada" and substituted "the AVMA approved National Veterinary Licensing Exam" for "an examination by the United States National Board of Veterinary Medical Examiners,"; in subsection (c) substituted "AVMA approved National Veterinary Licensing Exam" for "National Board Examination for Veterinarians", and added the language following "Alabama"; in subsection (d) inserted "the AVMA approved National Veterinary Licensing Examination or state board"; and added subsection (e).

REFERENCES

LIBRARY REFERENCES

American Digest System:

Physicians and Surgeons ☒4.

Corpus Juris Secundum:

C.J.S. Physicians, Surgeons, and other Health-Care Providers §§ 19-20.

§ 34-29-73. Examination procedures. [Historical Notes](#) [References](#)

(a) The board shall hold at least two examinations and may hold additional examinations as it deems necessary. The executive director or his or her designee shall give appropriate public notice of the time and place of the examination at least 120 days in advance of the date set forth for the examination. Any person desiring to take the examination shall make license application at least 60 days before the examination and pay the required application and examination fees.

(b) The preparation, administration, and grading of examinations shall be governed

by the administrative code as prescribed by the board. Examinations shall be designed to test the examinee's knowledge of and proficiency in subjects and techniques commonly taught in veterinary school. To pass the examination, the examinee shall demonstrate scientific and practical knowledge sufficient to prove himself or herself a competent person to practice veterinary medicine in the judgment of the board. All examinees shall be tested by written examinations supplemented by oral interviews and practical demonstrations as the board may deem necessary. The board may adopt and use the examinations and passing criteria prepared by professional examination services approved by the American Veterinary Medical Association, in addition to a state written examination.

(c) A passing score on the AVMA approved National Licensing Examination or examinations shall be determined by the professional examination provider based on a national criteria which reflects a passing score of at least 70 percent.

(d) A passing score on the state examination shall be deemed to be the correct answering of at least 70 percent of the questions contained on the state written examination and on the state practical and oral examinations. The scores may not be combined.

(e) Within 60 days after each examination, the executive director or his or her designee shall notify each examinee of the results of his or her examination and the board shall issue licenses to the persons successfully completing the examination provided all requirements for licensing have been met. The executive director or his or her designee shall record the new licenses and issue a certificate of qualification to the new licensees. Any person failing an examination shall be eligible to take any subsequent examination upon payment of the application and examination fees. Any person failing an examination may retake that examination for a maximum of three times. The examination shall be given in English.

(Acts 1986, No. 86-500, p. 956, § 14; Acts 1987, No. 87-794, p. 1557, § 7; Acts 1997, No. 97-249, p. 431, § 1; Act 2006-590, p. 1596, § 1.)

HISTORICAL NOTES

HISTORY

Amendment notes:

The 1997 amendment, effective August 1, 1997, in subsection (a) deleted the second sentence, and in the penultimate sentence substituted "director or his or her designee" for "secretary" and substituted "the" for "such" following "place of"; in subsection (b) inserted a comma following "administration", substituted "administrative code as" for "rules", substituted "shall" for "must" following "examinee", inserted "or herself", deleted "such" preceding "oral", inserted "and passing criteria", and inserted a comma following "Association"; in subsection (c) substituted "administering" for "the administering of", and deleted the second sentence; and in subsection (e) substituted "director or his or her designee" for "secretary" in two places, inserted "or her", substituted "qualification" for "registration", and substituted "shall be given in English" for "will be given in English only".

The 2006 amendment, effective July 1, 2006, in subsection (c) inserted "on the AVMA approved National Licensing Examination or examinations", and substituted "professional examination provider based on a national criteria which reflects a passing

score of at least 70 percent" for "examining board prior to administering the exam".

REFERENCES

ADMINISTRATIVE CODE

23 Ala. Admin. Code 930-X-1-.09, Board of Veterinary Medicine; Examinations.

LIBRARY REFERENCES

American Digest System:

Physicians and Surgeons ☒4.

Corpus Juris Secundum:

C.J.S. Physicians, Surgeons, and other Health-Care Providers §§ 19-20.

§ 34-29-74. Issuance of license without written examination to certain applicants.

Historical Notes References

The board may issue a license without a written examination to a qualified applicant who furnishes satisfactory proof that he or she is a graduate of an accredited veterinary school and who has been for the five years immediately prior to filing his or her application a practicing veterinarian licensed in a state, territory, or district of the United States having license requirements at the time the applicant was first licensed which were substantially equivalent to the requirements of this article.

The board may orally or practically examine any person qualifying for licensing under this section.

(Acts 1986, No. 86-500, p. 956, § 15; Acts 1997, No. 97-249, p. 431, § 1.)

HISTORICAL NOTES

HISTORY

Amendment notes:

The 1997 amendment, effective August 1, 1997, in the first undesignated subsection inserted "or she", inserted "or her", and inserted a comma following "territory"; and in the second undesignated subsection substituted "The" for "At its discretion, the".

REFERENCES

LIBRARY REFERENCES

American Digest System:

Physicians and Surgeons ☒4.

Corpus Juris Secundum:

C.J.S. Physicians, Surgeons, and other Health-Care Providers §§ 19-20.

§ 34-29-75. Expiration and renewal of licenses; suspension for non-renewal.

All licenses shall expire annually on December 31 of each year but may be renewed by application to the board showing fulfillment of continuing education requirements and payment of a renewal fee established and published by the board. The continuation of practice after the expiration of a license shall be in violation of this article and be cause for suspension of the license. The executive director shall send a reminder of expiration 30 days prior to expiration by first class mail and issue a new display license to all persons registering under this article. Failure to renew a license on or before January 1 of each year shall prompt the executive director to send a final notice of expiration by certified mail, return receipt requested, to the last address of the veterinarian known to the board and a late penalty shall be assessed and the license shall be suspended for non-renewal. A person may renew a license suspended for non-renewal at any time within two years, upon application, payment of the prescribed renewal fee and a late penalty fee per year for late renewals, provided the applicant is otherwise eligible for renewal. The board may renew a license without fulfillment of the continuing education requirement to any nonpracticing veterinarian over 70 years old or grant extensions or exemptions of continuing education requirements for veterinarians with extenuating medical or other circumstances.

(Acts 1986, No. 86-500, p. 956, § 16; Acts 1987, No. 87-794, p. 1557, § 8; Acts 1989, No. 89-236, p. 310, § 3; Acts 1997, No. 97-249, p. 431, § 1; Act 2006-590, p. 1596, § 1.)

HISTORICAL NOTES

HISTORY

Amendment notes:

The 1997 amendment, effective August 1, 1997, in the first sentence substituted "31" for "thirty-first", in the second sentence substituted "director" for "secretary", substituted "expiration by first class mail" for "said expiration" and substituted "display license and renewal card" for "certificate of qualification", inserted the third sentence, in the present fourth sentence substituted "shall be" for "will be", in the present fifth sentence inserted "is" following "receipt", deleted "return of" following "or", inserted "is returned", substituted "the" for "said" preceding "license,", substituted "suspended" for "revoked", substituted "suspension" for "such revocation" and substituted "article. A" for "article, provided that any", in the penultimate sentence deleted "and the" preceding "payment", in the final sentence deleted ", at its discretion," preceding "renew", and made nonsubstantive changes.

The 2006 amendment, effective July 1, 2006, deleted the fifth sentence, inserted the second sentence, deleted "and renewal card" preceding "to all", inserted "or expiration" preceding "by", deleted "known to the board. Failure to apply for renewal within 30 days after expiration shall result in notification by certified mail, return receipt requested, to the veterinarian's last address" preceding "known", inserted "and the license shall be suspended for non-renewal", substituted "a license suspended for non-renewal" for "an expired license", and inserted "or grant extensions or exemptions of continuing education

requirements for veterinarians with extenuating medical or other circumstances".

REFERENCES

ADMINISTRATIVE CODE

23 Ala. Admin. Code 930-X-1-.12, Board of Veterinary Medicine; Continuing Education Requirements.

23 Ala. Admin. Code 930-X-1-.14, Board of Veterinary Medicine; License Renewal.

LIBRARY REFERENCES

American Digest System:

Physicians and Surgeons ☒5(2, 4).

Corpus Juris Secundum:

C.J.S. Physicians, Surgeons, and other Health-Care Providers §§ 19, 21-24, 26-27.

§ 34-29-76. License required -- Certain acts prohibited. [Historical Notes](#) [References](#)

No person shall practice veterinary medicine unless the person holds an active license to practice veterinary medicine in the State of Alabama and in addition:

(1) No person shall use the name or title of licensed veterinarian when the person has not been licensed pursuant to this article.

(2) No person shall present as his or her own the license of another.

(3) No person shall give false or forged information to the board or a member thereof for the purpose of obtaining a license.

(4) No person shall use or attempt to use a veterinarian's license which has been suspended or revoked.

(5) No person shall knowingly employ unlicensed persons in the practice of veterinary medicine.

(6) No person shall knowingly conceal information relative to violations of this article.

(7) No person shall falsely represent himself or herself as being in a supervisory status without providing such supervision.

(8) No person shall provide veterinary medical services to a client or patient in this state through telephonic, electronic, or other means, regardless of the location of the veterinarian, without a license to practice in this state and without establishing a veterinarian-client-patient relationship.

(9) No person convicted of fraud, deceit, gross negligence, incompetency, violation of the administrative code of the board, or any other misconduct in the practice of veterinary medicine shall be allowed to retain his or her license to practice veterinary medicine and surgery in Alabama.

(10) No person convicted of or pleading nolo contendere to a felony or a crime involving moral turpitude shall be allowed to retain his or her license to practice veterinary medicine and surgery in Alabama.

(Acts 1986, No. 86-500, p. 956, § 17; Acts 1997, No. 97-249, p. 431, § 1; Act 2006-590, p. 1596, § 1.)

HISTORICAL NOTES

HISTORY

Amendment notes:

The 1997 amendment, effective August 1, 1997, in subdivision (2) inserted "or her", in subdivision (5) substituted a concluding period for "; and", added subdivisions (7), (8) and (9), and made nonsubstantive changes.

The 2006 amendment, effective July 1, 2006, redesignated subdivisions (8) and (9) as subdivisions (9) and (10), respectively, and added subdivision (8).

REFERENCES

LIBRARY REFERENCES

American Digest System:

Physicians and Surgeons ☒5(1), 6(1).

Corpus Juris Secundum:

C.J.S. Physicians, Surgeons, and other Health-Care Providers §§ 2-3, 5, 11-15, 18, 28.

§ 34-29-77. License required -- Certain acts not prohibited. [Historical Notes](#) [References](#)

No person shall practice veterinary medicine in the State of Alabama who is not a currently and validly licensed veterinarian or the holder of a temporary permit issued by the board. This article shall not be construed to prohibit any of the following:

(1) A student in a school or college of veterinary medicine from the performance of duties assigned by his or her instructor or from working as a veterinary student preceptee under direct or indirect supervision of a licensed veterinarian.

(2) Any doctor of veterinary medicine in the employ of a state or federal agency while actually engaged in the performance of his or her official duties; however, this exemption shall not apply to a person when he or she is not engaged in carrying out his or her official duties or is not working at or for the installations for which his or her services were engaged.

(3) Any person or his or her regular employee, administering to the ills or injuries of his or her own animals, including but not limited to, castration and dehorning of cattle unless title is transferred or employment changed for the purpose of circumventing this article.

(4) State agencies, accredited schools, institutions, foundations, business corporations or associations, physicians licensed to practice medicine and surgery in all its branches, graduate doctors of veterinary medicine, or persons under direct supervision thereof, which or who conduct experiments and scientific research on animals in the development of pharmaceuticals, biologicals, serums, or methods of treatment or techniques for diagnosis or treatment of human ailments or when engaged in the study and development of methods and techniques directly or indirectly applicable to the problems of the practice of veterinary medicine.

(5) Any unregistered assistant, nurse, lab technician, or other employee of a licensed veterinarian who administers medication or renders auxiliary or supportive assistance under the immediate supervision of a licensed veterinarian.

(6) Qualified practitioners of veterinary medicine and surgery from without the

State of Alabama consulting with licensed veterinarians in Alabama. No veterinarian of any other state shall actively and actually practice veterinary medicine in Alabama unless and until he or she shall obtain a license to practice veterinary medicine from the Alabama State Board of Veterinary Medical Examiners and shall comply with the other requirements contained in this article.

(7) A member of the faculty of a veterinary school performing his or her regular functions or a person giving board approved lectures, instructions, or demonstrations in connection with continuing education courses or seminars to licensed veterinarians, licensed veterinary technicians, veterinary students, or veterinary technician students.

(8) Persons from gratuitously giving aid, assistance, or relief in emergency cases if they do not represent themselves to be veterinarians or use any title or degree appertaining to the practice thereof.

(9) Fishery biologists actively employed by the State of Alabama, the United States government, or any person in the production or management of commercial food or game fish while in the performance of their official duties.

(10) A person from being or practicing as a "veterinary intern," as that term is defined in subdivision (22) of Section 34-29-61.

(Acts 1986, No. 86-500, p. 956, § 18; Acts 1989, No. 89-236, p. 310, § 3; Acts 1997, No. 97-249, p. 431, § 1; Act 2006-590, p. 1596, § 1.)

HISTORICAL NOTES

HISTORY

Amendment notes:

The 1997 amendment, effective August 1, 1997, inserted "or her" following "his" throughout the section, in the introductory matter inserted "any of the following", in subdivision (2) substituted "a person when he or she" for "such person when he", in subdivision (5) substituted "a" for "such" following "supervision of", in subdivision (6) substituted "No" for "However, no", inserted "or she" and substituted "State Board of Veterinary Medical Examiners" for "State Board of Veterinary Medicine", in subdivision (8) substituted a concluding period for "; and", in subdivision (9) substituted "Fishery" for "Fisheries" and substituted a concluding period for "; and", in subdivision (10) substituted "subdivision (20) of Section 34-29-61" for "Section 34-29-61(20)", and made nonsubstantive changes.

The 2006 amendment, effective July 1, 2006, in subdivision (7) substituted "giving board approved lectures, instructions, or demonstrations in connection with continuing education courses or seminars to licensed veterinarians, licensed veterinary technicians, veterinary students, or veterinary technician students" for "lecturing or giving instructions or demonstrations at a veterinary school or in connection with continuing education courses or seminars".

REFERENCES

LIBRARY REFERENCES

American Digest System:

Physicians and Surgeons ☒5(1), 6(1).

Corpus Juris Secundum:

§ 34-29-78. Injunction against unauthorized practice of veterinary medicine.

[Historical Notes](#) [References](#)

The board or any citizen of this state may bring action in the Circuit Court of Montgomery County to enjoin any person from practicing veterinary medicine without a currently valid license or temporary permit. If the court finds that the person is violating or is threatening to violate this article, it shall enter an injunction restraining him or her from such unlawful acts. The successful maintenance of an action based on any one of the remedies set forth in this section shall in no way prejudice the prosecution of an action based on any other of the remedies.

(Acts 1986, No. 86-500, p. 956, § 19; Acts 1997, No. 97-249, p. 431, § 1.)

HISTORICAL NOTES

HISTORY

Amendment notes:

The 1997 amendment, effective August 1, 1997, inserted "in the Circuit Court of Montgomery County", and inserted "or her".

REFERENCES

LIBRARY REFERENCES

American Digest System:

Injunction ☒89(5).

Corpus Juris Secundum:

C.J.S. Injunctions §§ 133-135.

§ 34-29-79. Administrative hearing procedures. [Historical Notes](#) [References](#)

(a) When the board, by its official actions, acts or proposes to act in a manner which will affect the rights, duties, or privileges of the issuance of a license to an applicant or the license of a veterinarian, veterinary technician, or other individual, those persons shall have a right to an administrative hearing. When the board proposes to act in such manner, it shall give to the person or persons notice of their right to a hearing by certified mail to the person at his or her last known address, a notice of the proposed action, notice of a right to a hearing, and the time and place for a hearing, as provided in subsection (b). If the person or persons fail to appear at the time set for the hearing, the hearing may be conducted in absentia.

(b) A hearing shall be held no sooner than 20 days after written notice to the licensed veterinarian, veterinary technician, or other individual of the administrative charges against him or her, or to the applicant in the case of a person whose application for license is denied. The applicant, licensed veterinarian, veterinary technician, or other

individual shall have the right to be heard in person and by counsel, the right to have subpoenaed the attendance of witnesses and records in the behalf of, and the right to cross-examine witnesses appearing against him or her. Strict rules of evidence shall not apply. The board may provide a stenographer or other stenographic means to take down the testimony and shall preserve a record of the proceedings. If a transcript of the record is prepared and is, by definition, a matter of public record, it may be purchased by any person interested in such hearing on payment to the board of the cost of preparing the transcript.

(c) The board shall notify the applicant, licensed veterinarian, veterinary technician, or other individual of its decision in writing within a reasonable time after the conclusion of the hearing. The executive director or his or her designee, in all cases of suspension, revocation, or other discipline, shall enter the fact in the minutes of the board. Any person whose license is suspended or revoked shall be deemed an unlicensed person for purposes of this article and the probate court of that county or counties where the license should be filed shall be notified, the license pulled, and the fact published in the newsletter of the board. The board shall also cause a notice of revocation or suspension to be published in a newspaper of general circulation in each county of the State of Alabama in which the disciplined veterinarian maintains an office for the practice of veterinary medicine or veterinary technician is employed or the individual resides.

(d) When a member of the board is unable to continue the hearing either by disqualification or for any other reason, and the board is unable to obtain a quorum, the Governor shall appoint as many special members as is necessary to obtain a quorum from a list of three persons submitted for each place by the Alabama Veterinary Medical Association. These special members serve on the board only for that hearing for which they were appointed and the special members may be reappointed for subsequent hearings if necessary.

(Acts 1986, No. 86-500, p. 956, § 20; Acts 1997, No. 97-249, p. 431, § 1; Act 2006-590, p. 1596, § 1.)

HISTORICAL NOTES

HISTORY

Amendment notes:

The 1997 amendment, effective August 1, 1997, inserted "or her" in three places; inserted ", or Veterinary Technician" in two places; in subsection (a), in the first sentence inserted "the issuance of" and substituted "to an applicant or the license of a Veterinarian or a Veterinary Technician, those persons shall" for "of an applicant or a licensed veterinarian, those persons", in the second sentence substituted "give to the" for "give to any such", substituted "mail to the" for "mail to such", substituted "action," for "action and a" and substituted "the time and place for a hearing, as provided in subsection (b)" for "give service; and if service cannot be perfected by registered or certified mail, service may then be perfected by publication once a week for three successive weeks in a newspaper of general circulation in the county of the respondent's last known address", and rewrote the final sentence; in subsection (b), in the first sentence substituted "Licensed Veterinarian or Veterinary Technician of the administrative charges" for "applicant or Licensed Veterinarian of a complaint", substituted ", or to the applicant" for "under subsection (a) of this section, or" and deleted ", no sooner than 10 days after

receipt by the board of a written request for a hearing" following "denied", deleted the second sentence, in the present second sentence substituted a comma for "or" following "the applicant" and inserted "and records", and in the final sentence inserted "and is, by definition, a matter of public record" and substituted "preparing the" for "preparing such"; in the undesignated subsection, in the first sentence substituted a comma for "or" following "the applicant" and substituted "within a reasonable time" for "10 days", in the second sentence substituted "director or his or her designee" for "secretary" and substituted ", revocation, or other discipline" for "or revocation", in the third sentence substituted a comma for "and" following "notified", deleted "will be" preceding "published" and substituted "board" for "Alabama Veterinary Medical Association", and deleted the final sentence; in subsection (c) inserted "for" preceding "any", substituted "obtain" for "reach" in two places, substituted "shall" for "is required to", substituted "special" for "ex officio" in two places, and substituted "and the special members" for ", however, they"; and made nonsubstantive changes.

The 2006 amendment, effective July 1, 2006, redesignated subsection (c) as subsection (d); inserted ", or other individual" in four places; in subsection (a) substituted "veterinarian" for "veterinarian or a"; in subsection (b) substituted "veterinarian," for "veterinarian or"; inserted the subsection (c) designator; in subsections (b) and (c) substituted "veterinarian," for "veterinarian, or"; and in subsection (c) inserted "or veterinary technician is employed or the individual resides".

REFERENCES

LIBRARY REFERENCES

American Digest System:

Physicians and Surgeons ☒5(2), 11.3.

Corpus Juris Secundum:

C.J.S. Physicians, Surgeons, and other Health-Care Providers §§ 19, 21-24, 43.

§ 34-29-80. Complaints and testimony to be privileged; immunity of certain persons from suit. [References](#)

Complaints submitted to the board or testimony with respect thereto shall be absolutely privileged and no lawsuit predicated thereon may be instituted. Members of the board and their staffs, and any member of a grievance committee authorized by the board to investigate a complaint filed pursuant to this article shall be immune from suit for any conduct in the course of their official duties.

(Acts 1986, No. 86-500, p. 956, § 21.)

REFERENCES

LIBRARY REFERENCES

American Digest System:

Physicians and Surgeons ☒5(1).

Corpus Juris Secundum:

C.J.S. Physicians, Surgeons, and other Health-Care Providers §§ 12-13, 18.

§ 34-29-81. Relicensing and reinstatement. [Historical Notes](#) [References](#)

Any person whose license is suspended or revoked by the board may be relicensed or reinstated at any time without an examination by a majority vote of the board on written application made to the board showing cause justifying relicensing and reinstatement pursuant to the administrative code of the board.

(Acts 1986, No. 86-500, p. 956, § 22; Acts 1997, No. 97-249, p. 431, § 1.)

HISTORICAL NOTES

HISTORY

Amendment notes:

The 1997 amendment, effective August 1, 1997, substituted "by" for "at the discretion of", inserted "a" preceding "majority", and substituted "the administrative code of the board" for "board rules and bylaws".

REFERENCES

LIBRARY REFERENCES

American Digest System:

Physicians and Surgeons ☒11.3(5).

Corpus Juris Secundum:

C.J.S. Physicians, Surgeons, and other Health-Care Providers §§ 51-52.

§ 34-29-82. Criminal penalties. [Historical Notes](#) [References](#)

Any person who shall practice veterinary medicine without a current valid license shall be guilty of a misdemeanor, and upon conviction shall be fined not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1,000) or imprisoned for not more than 90 days, or both, and each act of unlawful practice shall constitute a distinct and separate offense. The person, in the discretion of the judge, may be imprisoned or placed at hard labor for not more than six months.

(Acts 1986, No. 86-500, p. 956, § 23; Acts 1997, No. 97-249, p. 431, § 1.)

HISTORICAL NOTES

HISTORY

Amendment notes:

The 1997 amendment, effective August 1, 1997, in the first sentence deleted "license or temporary" following "valid", substituted "five hundred dollars (\$500)" for "\$500.00", substituted "one thousand dollars (\$1,000)" for "\$1,000.00" and deleted "such" preceding "unlawful", deleted the second sentence, and in the final sentence substituted "The person, in the discretion of the judge," for "At the judge's discretion the person".

REFERENCES

LIBRARY REFERENCES

American Digest System:

Physicians and Surgeons ☒6(11.5).

Corpus Juris Secundum:

C.J.S. Physicians, Surgeons, and other Health-Care Providers § 33.

§ 34-29-83. Appeal of disciplinary action; stay of revocation. [Historical Notes](#)
[References](#)

A person disciplined pursuant to this article may appeal to the Circuit Court of Montgomery County, notwithstanding the provisions of the Administrative Procedure Act. To do so, he or she shall file a petition in the circuit court within 30 days after notification of the decision of the board. The board has 15 days to enter an appearance and to file the record of the administrative proceedings. The court may affirm or set aside the decision of the board by judicial review. The license shall not be revoked pending appeal except in extraordinary circumstances as determined by the board, and approved by the circuit court in which the appeal is pending.

(Acts 1986, No. 86-500, p. 956, § 24; Acts 1997, No. 97-249, p. 431, § 1.)

HISTORICAL NOTES

HISTORY

Amendment notes:

The 1997 amendment, effective August 1, 1997, deleted "the provisions of" preceding "this article", substituted "Montgomery County, notwithstanding the provisions of the Administrative Procedure Act", for "the county in which he resides", substituted "he or she shall" for "he must", substituted "decision of the board" for "board's decision" in two places, inserted "and to file the record of the administrative proceedings", substituted "court may" for "decision of the court can", substituted "judicial review" for "trial de novo", and substituted "shall not be" for "is not".

REFERENCES

LIBRARY REFERENCES

American Digest System:

Physicians and Surgeons ☒11.3(5).

Corpus Juris Secundum:

C.J.S. Physicians, Surgeons, and other Health-Care Providers §§ 51-52.

§ 34-29-84. Filing of license with probate office; fee. [Historical Notes](#) [References](#)

A person shall be responsible for filing his or her license with the probate office of the county where he or she resides or the probate office of the county where he or she may move, or each county where he or she is to practice even if he or she is not a resident. The fee shall be one dollar (\$1).

(Acts 1986, No. 86-500, p. 956, § 25; Acts 1997, No. 97-249, p. 431, § 1.)

HISTORICAL NOTES

HISTORY

Amendment notes:

The 1997 amendment, effective August 1, 1997, substituted "shall be" for "is", inserted "or her", inserted "or she" in four places, inserted a comma following "move", and substituted "one dollar (\$1)" for "\$1.00".

REFERENCES

LIBRARY REFERENCES

American Digest System:

Physicians and Surgeons ☒10.

Corpus Juris Secundum:

C.J.S. Physicians, Surgeons, and other Health-Care Providers §§ 53, 57.

§ 34-29-85. Status of persons holding license on April 30, 1986. [Historical Notes](#) [References](#)

Any person holding a valid license to practice veterinary medicine in Alabama on April 30, 1986, shall be recognized as a licensed veterinarian and shall be entitled to retain this status so long as he or she complies with this article and the administrative code of the board.

(Acts 1986, No. 86-500, p. 956, § 26; Acts 1997, No. 97-249, p. 431, § 1.)

HISTORICAL NOTES

HISTORY

Amendment notes:

The 1997 amendment, effective August 1, 1997, inserted a comma following "1986", inserted "or she", deleted "the provisions of" preceding "this article", and substituted "administrative code of the board" for "board rules adopted pursuant thereto".

REFERENCES

LIBRARY REFERENCES

American Digest System:

Physicians and Surgeons ☒4.

Corpus Juris Secundum:

C.J.S. Physicians, Surgeons, and other Health-Care Providers §§ 19-20.

§ 34-29-86. Disposition of abandoned animals; notice to owner or agent; financial liability of owner or agent. [Historical Notes](#) [References](#)

(a) Any animal placed in the custody of a licensed veterinarian for the treatment, boarding, or other care which shall be unclaimed by its owner or his or her agent for a period of more than 10 days after written notice by registered or certified mail, return receipt requested, to the owner or his or her agent at his or her last known address shall

be deemed to be abandoned and may be turned over to the nearest humane society or dog pound or sold to collect the lien pursuant to Sections 35-11-390 and 35-11-391.

(b) The giving of notice to the owner or the agent of the owner of the animal by the licensed veterinarian as provided in subsection (a) shall relieve the Licensed Veterinarian and custodian to whom the animal may be given of any further liability for disposal.

(c) For the purpose of this article, the term abandoned shall mean to forsake entirely, to neglect, or refuse to provide or perform the legal obligations for care and support of an animal by its owner or his or her agent. The abandonment shall constitute the relinquishment of all his or her rights and claims by the owner to the animal.

(d) The disposal of an abandoned animal shall not relieve the owner or agent thereof of any financial obligation incurred for treatment, boarding, or care by the veterinarian. (Acts 1986, No. 86-500, p. 956, § 27; Acts 1997, No. 97-249, p. 431, § 1.)

HISTORICAL NOTES

HISTORY

Amendment notes:

The 1997 amendment, effective August 1, 1997, inserted "or her" in five places; substituted "the animal" for "such animal" in three places; in subsections (a) and (d) inserted a comma following "boarding"; in subsection (a) substituted "the lien pursuant to" for "such lien as provided by"; in subsection (b) deleted "of this section" preceding "shall"; and in subsection (c) substituted "entirely, to neglect," for "entirely or to neglect", and substituted "The" for "Such".

REFERENCES

LIBRARY REFERENCES

American Digest System:

Abandoned and Lost Property ☒3, 5.

Corpus Juris Secundum:

C.J.S. Abandonment §§ 6, 12.

§ 34-29-87. Partnership or employment in practice of veterinary medicine not to be for nonlicensed persons; exceptions. [Historical Notes](#) [References](#)

(a) Whenever the practice of veterinary medicine is carried on by a partnership, all partners shall be either licensed or holders of temporary licenses to practice veterinary medicine in the State of Alabama.

(b) It shall be unlawful for any licensed veterinarian to practice veterinary medicine as an employee of any person or other entity not engaged primarily in the practice of veterinary medicine or for any person that is the owner or owners of an active veterinary practice to be other than a veterinarian or veterinarians duly licensed in the State of Alabama.

(c) The following shall be exempt from this section:

(1) A veterinarian employed by a person treating his or her employer's animals.

(2) A veterinarian employed by an official agency of the federal or state government or any subdivision thereof.

- (3) A veterinarian employed by any licensed research facility.
- (4) An heir or heirs inheriting under the terms of a will or by intestate succession for a period of two years following the death of the licensee.
- (Acts 1986, No. 86-500, p. 956, § 28; Acts 1997, No. 97-249, p. 431, § 1.)

HISTORICAL NOTES

HISTORY

Amendment notes:

The 1997 amendment, effective August 1, 1997, in subsection (a) substituted "shall" for "must"; and in subsection (c), in subdivision (1) inserted "or her", and substituted a concluding period for a semicolon, in subdivision (2) substituted a concluding period for "; or", and added subdivision (4).

REFERENCES

LIBRARY REFERENCES

American Digest System:

Physicians and Surgeons ☒10.

Corpus Juris Secundum:

C.J.S. Physicians, Surgeons, and other Health-Care Providers §§ 53, 57.

§ 34-29-88. Premise permits -- Required; fees; inspection; revocation, etc.; closure and imposition of penalties; renewal; requirements for satellite or mobile clinics.

Historical Notes References

(a) Any facility, including mobile clinics or any other premises where a licensed veterinarian practices shall have a premise permit issued by the board. Upon application and payment of a premise permit fee and an inspection fee, if necessary to cover the cost of inspection, the board shall cause a facility to be inspected. A premise permit shall be issued if the facility meets minimum standards to be adopted by the administrative code of the board as to sanitary conditions and physical plant. In lieu of the above procedure, the board may issue a premise permit to any premise which is accredited by a recognized organization whose standards meet or exceed minimum board standards as established by the administrative code of the board.

(b) Each application for premise permit shall set forth the names of all licensed veterinarians who shall be responsible for the management of the premises.

(c) The premise permit may be revoked, suspended, or denied when inspection reveals that the premises do not meet the standards set by the administrative code of the board or when the license of the responsible veterinarian or veterinarians has been suspended or revoked.

(d) The board may cause the closure of a facility and impose a penalty against any owner, operator, or responsible veterinarian of any premises operating without a premise permit in violation of this section or in violation of the administrative code of the board.

No penalties so imposed shall exceed one thousand dollars (\$1,000) for each count or separate offense. In order that the board and the executive director may determine whether or not a danger to the public or to animals exists, the executive director or investigators employed by the board may conduct inspections or investigations of premises suspected of being in violation of any rule of the board. If a violation is found in conducting an inspection which is determined to be a hazard and a danger to the public or to animals, the executive director may suspend that premise permit until further notice.

(e) All premise permits shall be renewed yearly by payment of a fee to the board.

(f) Veterinary facilities shall be reinspected periodically as determined by the board.

(g) Premise permits issued to satellite, outpatient, or mobile small animal clinics shall state the name of the full service veterinary facility in that locale providing emergency and after hours service. Premise permits issued to mobile large animal clinics shall state the name of the full service veterinary facility in that locale providing radiology, emergency, and after hours service. Mobile clinics operating in more than one locale, i.e. city, shall have a premise permit for each locale. If the agreement between the outpatient, satellite, mobile large animal clinic, mobile small animal clinic, and the full service veterinary clinic providing back-up service ceases, the board shall be notified immediately and a new agreement for back-up service shall be provided before the issuance of a new premise permit.

(Acts 1986, No. 86-500, p. 956, § 29; Acts 1987, No. 87-794, p. 1557, § 9; Acts 1997, No. 97-249, p. 431, § 1.)

HISTORICAL NOTES

HISTORY

Amendment notes:

The 1997 amendment, effective August 1, 1997, deleted subsection (b); redesignated subsections (c)-(h) as subsections (b)-(g), respectively; substituted "shall" for "must" throughout; in subsection (a) substituted "cause a" for "cause such", and substituted "administrative code of" for "rules of"; in subsection (a) and in present subsection (c) substituted "the administrative code of the board" for "rule"; in present subsection (b) substituted "names of all Licensed Veterinarians who shall" for "name of the Licensed Veterinarian who will"; in present subsections (c) and (d) substituted "premise" for "premises"; in present subsection (d) substituted "cause the closure of a" for "after notice and hearing, cause the closure of said", substituted "in violation of the administrative code of" for "any rule promulgated by", substituted "one thousand dollars (\$1,000)" for "\$1,000.00", and added the third and fourth sentences; in present subsection (f) substituted "shall" for "will"; in present subsection (g) added the second sentence, in the penultimate sentence substituted "locale, i.e. city," for "locale (i.e. city)", and in the final sentence substituted ", mobile large animal clinic," for "or", substituted "back-up" for "emergency" in two places and substituted "the issuance of a new premise permit" for "a new premise permit will be issued"; and made nonsubstantive changes.

REFERENCES

LIBRARY REFERENCES

American Digest System:

Physicians and Surgeons ☒10.

Corpus Juris Secundum:

C.J.S. Physicians, Surgeons, and other Health-Care Providers §§ 53, 57.

§ 34-29-89. Premise permits -- Display. [Historical Notes](#) [References](#)

Each person to whom a license or premise permit, or both, is issued shall keep such license or premise permit, or both, conspicuously displayed in his or her office, place of business, or place of employment and shall, whenever required, exhibit the license or premise permit, or both, to any member or authorized representative of the board.

(Acts 1986, No. 86-500, p. 956, § 30; Acts 1997, No. 97-249, p. 431, § 1.)

HISTORICAL NOTES

HISTORY

Amendment notes:

The 1997 amendment, effective August 1, 1997, substituted "or premise permit, or both," for "and/or premise permit" in three places, inserted "or her", substituted "business," for "business", and substituted "exhibit the" for "exhibit said".

REFERENCES

LIBRARY REFERENCES

American Digest System:

Physicians and Surgeons ☒10.

Corpus Juris Secundum:

C.J.S. Physicians, Surgeons, and other Health-Care Providers §§ 53, 57.

§ 34-29-90. Immunity of veterinarians from suit for emergency care of animals or human victims; nonliability to animal hospital. [Historical Notes](#) [References](#)

(a) Any licensed veterinarian who in good faith as a volunteer and without fee renders emergency care or treatment to a domestic animal shall not be liable in a suit for damages as a result of his or her acts or omissions which may occur during emergency care or treatment, nor shall he or she be liable to any animal hospital for its expense if under emergency conditions he or she orders an animal hospitalized or causes his or her admission to a hospital.

(b) Any licensed veterinarian who in good faith renders or attempts to render emergency care at the scene of an accident or emergency to the human victim or victims thereof shall not be liable for any civil damages as a result of any act or omissions by persons rendering or attempting to render the emergency care.

(Acts 1986, No. 86-500, p. 956, § 31; Acts 1997, No. 97-249, p. 431, § 1.)

HISTORICAL NOTES

HISTORY

Amendment notes:

The 1997 amendment, effective August 1, 1997, in subsection (a) substituted "Veterinarian" for "Alabama Veterinarian or Licensed Veterinary resident of another state or in the District of Columbia", inserted "or her" in two places, deleted "such" preceding "emergency" in two places, inserted "or she" in two places, and substituted "a hospital" for "such hospital"; and in subsection (b) deleted "such" preceding "persons".

REFERENCES

LIBRARY REFERENCES

American Digest System:

Physicians and Surgeons ☒16.

Corpus Juris Secundum:

C.J.S. Physicians, Surgeons, and other Health-Care Providers §§ 70, 81-86, 97-100, 102.

§ 34-29-91. Eligibility for graduate of nonaccredited school to take examination.

Historical Notes References

A person who is a graduate of a college of veterinary medicine not accredited by the American Veterinary Medical Association shall be eligible to take the regularly scheduled state licensing examination given by the board upon furnishing all the following required documents or items:

(1) The certificate of the American Veterinary Medical Association Educational Commission for Foreign Veterinary Graduates (ECFVG).

(2) A certificate evidencing the completion of a one-year internship as required by the ECFVG in a veterinary hospital or clinic approved by the Alabama State Board of Veterinary Medical Examiners. This internship can be completed in more than one hospital or clinic; however, a minimum of three months shall be spent in any one place and the intern shall receive a variety of veterinary experience. This internship may commence prior to or following the national and state examinations and all shall be completed within an 18-month period. The sponsoring practitioner of the internship shall give a complete written report to the board at the completion of each three months which shall include a performance evaluation of the intern. The board shall insure that the internship was satisfactorily completed by the applicant prior to issuance of a state license. The ECFVG certificate shall be in addition to all other requirements expected for licensing of veterinarians in Alabama.

(3) Proof of his or her citizenship of the United States and of good moral character.

(Acts 1986, No. 86-500, p. 956, § 32; Acts 1997, No. 97-168, p. 243, § 3; Acts 1997, No. 97-249, p. 431, § 1; Act 2006-590, p. 1596, § 1.)

HISTORICAL NOTES

HISTORY

Amendment notes:

The 1997 amendments. -- The 1997 amendment by Acts 1997, No. 97-168, § 3, in the introductory matter inserted "all" and inserted "required documents or items", in subdivision (1) substituted a concluding period for a semicolon, in subdivision (2), in the second sentence substituted "may" for "can", in the second and third sentences substituted "shall" for "must" and in the fifth sentence substituted "satisfactory completion of the internship" for "that the internship was satisfactorily completed", deleted the undesignated subdivision which read "The ECFVG certificate is in addition to all other requirements expected for licensing of Veterinarians in Alabama; and", and in subdivision (3) deleted " of his citizenship of the United States and" following "Proof". For effective date, see the Code Commissioner's Note below.

The 1997 amendment by Acts 1997, No. 249, § 1, in subdivision (2), in the first sentence substituted "Medical Examiners" for "medicine", in the second sentence substituted "can" for "may" and added the sixth sentence, and in subdivision (3) inserted "of his or her citizenship of the United States and". For effective date, see the Code Commissioner's Note below.

The 2006 amendment, effective July 1, 2006, inserted "state" following "scheduled".
Code Commissioner's Notes

Section 34-29-91 was amended by Act 97-168, which became effective April 8, 1997, and Act 97-249, which became effective August 1, 1997. Certain portions of the two acts are not in substantive conflict and can be given effect and incorporated in the code section in a manner which will make the code section intelligible. Accordingly, these portions specified in both 1997 acts have been incorporated into the code section. The 1997 amendment notes specify the changes to the section prescribed by each act. The changes made pursuant to Act 97-168 are effective April 8, 1997, and the changes made pursuant to Act 97-249 are effective August 1, 1997.

Certain portions of the two acts contain substantive conflicts which cannot be reconciled. The last sentence of subdivision (2) which reads "The ECFVC certificate is in addition to all other requirements expected for licensing of veterinarians in Alabama; and" was deleted by Act 97-168. This sentence, with a technical modification, was retained in Act 97-249. Because this sentence remains in the latter enactment, it has been preserved in the code section. In actuality, this language is of a supplemental nature and imposes no additional duty. Moreover, Act 97-168, in subdivision (3), deleted the language "his citizenship of the United States and of", while this language, with a technical modification, was preserved in Act 97-249. Because this language remains in the latter enactment, it has been preserved in the code section.

REFERENCES

LIBRARY REFERENCES

American Digest System:

Physicians and Surgeons ☒4.

Corpus Juris Secundum:

C.J.S. Physicians, Surgeons, and other Health-Care Providers §§ 19-20.

§ 34-29-92. Service of applicants as student preceptees for minimum period.

The Alabama State Board of Veterinary Medical Examiners may require that all applicants serve as a student preceptee working under the supervision of a veterinarian licensed in any state for a minimum period of nine consecutive weeks.
(Acts 1986, No. 86-500, p. 956, § 33; Acts 1997, No. 97-249, p. 431, § 1.)

HISTORICAL NOTES

HISTORY

Amendment notes:

The 1997 amendment, effective August 1, 1997, substituted "Medical Examiners may" for "medicine is hereby authorized to".

REFERENCES

LIBRARY REFERENCES

American Digest System:

Physicians and Surgeons ☒4.

Corpus Juris Secundum:

C.J.S. Physicians, Surgeons, and other Health-Care Providers §§ 19-20.

§ 34-29-93. Six months internship requirement. Repealed by Acts 1997, No. 97-249, p. 431, § 2, effective August 1, 1997. § 34-29-94. Veterinary technician licensing requirements; authorized acts; emergency care; suspension, revocation of license; continuing education. [Historical Notes](#) [References](#)

(a) In order to obtain a license as a veterinary technician, the applicant shall do all of the following:

(1) Submit a complete notarized application on a form prescribed by the board setting forth that the applicant meets all of the following qualifications:

a. At least 18 years of age.

b. Of good character.

c. Has attained a competent school education and has received a diploma in animal technology from an American Veterinary Medical Association accredited school or other school of animal technology approved by the board.

(2) Submit an application accompanied by an authenticated copy of the college transcript of the applicant signed by the dean or the registrar of the school, college, or university.

(3) Submit an application accompanied by a photograph of reasonable likeness of the applicant taken within six months of the date of the application.

(4) Submit an application fee as prescribed by the board.

(b) Notification and penalty for nonrenewal of licenses for veterinary technicians shall be applied as provided in this article for veterinarians.

(c) The board may adopt the Veterinary Technician National Examination and

passing criteria prepared by the Professional Examination Service (PES), or any other veterinary technician national examination as the sole veterinary technicians examination or in addition to a state examination at its discretion.

(1) Examination of applicants for licensing as veterinary technicians in Alabama shall be held at a time, place, and date set by the board. Appropriate public notice of the time and place of the examination shall be given at least 90 days in advance of the date set forth for the examination.

(2) A passing score on the AVMA approved National Licensing Examination shall be determined by the professional examination provider based on a national criteria which reflects a passing score of at least 70 percent. Each applicant who passes the examination and meets all other requirements for licensure prescribed by the board shall be granted a license as a veterinary technician and shall be registered as such and a record kept by the board, and shall receive a license in a form to be prescribed by the board.

(d) There shall be an annual renewal of each veterinary technician's license and the renewal fee established and published by the board.

(e) The supervising veterinarian may require a licensed veterinary technician to perform any task for which he or she has been trained as delineated in the American Veterinary Medical Association's essential tasks list for veterinary technician teaching programs. The following tasks may be performed under the level of supervision indicated unless specifically prohibited by regulation and the supervision shall be under a licensed veterinarian currently registered to practice in this state, provided the veterinarian makes a daily physical examination of the patient treated:

(1) A veterinary technician may perform the following tasks under the indirect supervision of a veterinarian, if the animal is anesthetized, these tasks shall require the direct supervision of a veterinarian:

- a. Teeth cleaning.
- b. Enemas.
- c. Electrocardiography.
- d. Application of bandages.
- e. Catheterization of the unobstructed bladder and inserting indwelling catheter.
- f. Gavage.
- g. Ear flush.
- h. Surgical site preparation.
- i. Diagnostic imaging:
 1. Patient preparation and positioning.
 2. Operation of X-ray and ultrasound machines.
 3. Oral and rectal administration of radio-opaque materials.
- j. Injections of medications not otherwise prohibited:
 1. Intramuscular.
 2. Subcutaneous.
 3. Intravenous.
- k. Oral medications.
- l. Topical medication.
- m. Laboratory:

1. Collection of tissue during or after a veterinarian has performed necropsy.
 2. Urinalysis.
 3. Hematology.
 4. Parasitology.
 5. Exfoliative cytology.
 6. Microbiology.
 7. Blood chemistry.
 8. Serology.
 9. Coprology.
 - n. Administration of preanesthetic drugs.
 - o. Oxygen therapy.
 - p. Removal of partially exposed foreign objects from skin and feet.
 - q. Removal of sutures.
 - r. Euthanasia.
 - s. Administration of immunological agents.
- (2) A veterinary technician may perform the following tasks under the direct supervision of a veterinarian:
- a. Endotracheal intubation.
 - b. Blood administration and collection.
 - c. Fluid aspiration.
 - d. Intraperitoneal injections.
 - e. Monitoring of vital signs of anesthetized patient.
 - f. Application of splints.
 - g. Induce anesthesia by intravenous, intramuscular, or subcutaneous injection, or by inhalation.
 - h. When the animal is anesthetized, those tasks listed under subdivision (1).
 - i. Suturing skin lacerations, the site shall be examined by a veterinarian prior to and following suture.
- (3) A veterinary technician may perform the following tasks under the immediate supervision of a veterinarian:
- a. Assist veterinarian during surgery and diagnostics.
 - b. Perform procedures listed under direct and indirect supervision.
- (4) Under the immediate supervision of a licensed veterinary technician an unregistered assistant may perform the following tasks:
- a. Blood administration and collection.
 - b. Surgical site preparation.
 - c. Gavage.
 - d. Diagnostic imaging:
 1. Patient preparation and positioning.
 2. Film exposure.
 3. Oral and rectal administration of radio-opaque materials.
 - e. Intravenous injections of medications not otherwise prohibited.
 - f. Laboratory, specimen collection and preparation:
 1. Blood collection.
 2. Exfoliative cytology preparation.

- 3. Fecal parasite sample collection and preparation.
- g. Application of bandages.
- h. Ear flush.
- i. Electrocardiography.
- j. Removal of sutures.
- k. Euthanasia.

(f) Under the conditions of an emergency, a certified veterinary technician may render the following lifesaving aid and treatment:

- (1) Application of tourniquets or pressure bandages, or both, to control hemorrhage.
- (2) Administration of pharmacological agents and parenteral fluids shall only be performed after direct communication with a veterinarian authorized to practice in this state and the veterinarian is either present or in route to the location of the distressed animal.
- (3) Resuscitative oxygen procedures.
- (4) Establishing open airways including intubation appliances.
- (5) External cardiac massage.
- (6) Application of temporary splints or bandages to prevent further injury to bones or soft tissue.
- (7) Application of appropriate wound dressings and external supportive treatment in severe burn cases.

(g) Any persons licensed or certified pursuant to this article who gratuitously and in good faith give emergency treatment to a sick or injured animal at the scene of an accident or emergency shall not be liable for damages to the owner of the animal in the absence of gross negligence.

(h) Any licensed veterinary technician who in good faith renders or attempts to render emergency care at the scene of an accident or emergency to the human victim or victims thereof shall not be liable for any civil damages as a result of any act or omission by the person in rendering or attempting to render the emergency care.

(i) Any veterinary technician shall display his or her license at his or her place of employment as to be easily accessible to the public or his or her clients.

(j) The board shall revoke the license of any veterinary technician convicted of or pleading nolo contendere to a felony, a crime involving moral turpitude, or who is guilty of one or more of the following:

- (1) Soliciting patients from any practitioner of the healing arts.
- (2) Willfully or negligently divulging a professional confidence or discussing a diagnosis or treatment of a veterinarian without the express permission of the veterinarian.
- (3) The habitual or excessive use of intoxicants or drugs.
- (4) Fraud or misrepresentation in applying for or procuring a license to perform as a veterinary technician or in applying for or procuring an annual registration.
- (5) Impersonating another person licensed as a veterinary technician or allowing any person to use his or her license as a technician.
- (6) Abetting or aiding the practice of veterinary medicine by a person not licensed by the board.
- (7) Gross negligence in the performance of duties, tasks, or functions assigned to

him or her by a licensed veterinarian.

(8) Manifest incapability or incompetence to perform as a veterinary technician.

(k) The board may revoke or suspend any license which they may have issued for violation of this article relating to the practice of veterinary medicine or the conduct of veterinary technicians, or both, for the violation of the administrative code of the board after notice and hearing proceedings, as provided by Section 34-29-79. Appeals from any adverse action of the board under this section shall be made to the Circuit Court of Montgomery County.

(l) Any veterinarian who permits a veterinary technician to work and perform the duties of a licensed technician in his or her office without having been issued a license or any licensed veterinary technician working in a veterinary office without a license shall be guilty of a misdemeanor. Nothing, however, in this article shall be construed to prevent a student of veterinary medicine from performing operations under the supervision of a competent instructor of veterinary medicine recognized by the Alabama State Board of Veterinary Medical Examiners.

(m) A minimum number of hours of continuing education shall be required yearly for license renewal as provided by the administrative code of the board.

(n) Graduates of veterinary technology programs not accredited by the AVMA may become eligible for licensure by meeting all of the requirements of the AVMA and successfully passing the AVMA approved veterinary technician licensing examination. (Acts 1986, No. 86-500, p. 956, § 35; Acts 1989, No. 89-236, p. 310, §§ 3, 4; Acts 1997, No. 97-249, p. 431, § 1; Act 2006-590, p. 1596, § 1.)

HISTORICAL NOTES

HISTORY

Amendment notes:

The 1997 amendment, effective August 1, 1997, deleted the first, second and third undesignated subsections; deleted subsections (b), (d), (f), (n) and (o); redesignated the fourth undesignated subsection, subsections (e) and (g)-(m) as subsections (b), (d) and (f)-(l), respectively; added present subsections (e) and (m); substituted a concluding period for "; and" in two places; inserted "or her" in five places; in subsection (a), in the introductory matter substituted "shall do all of the following" for "must", in subdivision (1) substituted "meets all of the following qualifications" for "is", in subdivision (2) substituted "college transcript of the applicant" for "applicant's college transcript"; in present subsection (b) deleted "permits and" following "of"; in subsection (c), in the introductory matter inserted "Veterinary Technician" in two places, deleted "Veterinary Technicians", inserted "and passing criteria" and deleted "Veterinary Technician's", in subdivision (2) substituted "shall be determined by the examining board prior to the administration of the exam" for "of 70 percent minus 1.5 standard deviation will be necessary on the State Veterinary Technician Examination" and substituted "a form" for "the form"; in present subsection (d) deleted the second sentence; in present subsection (f), in subdivision (1) substituted "or pressure bandages, or both," for "and/or pressure bandages", and in subdivision (2) substituted "the Veterinarian is" for "such Veterinarian"; in present subsection (g) substituted "of the" for "of such"; in present subsection (h) substituted "by the" for "by such"; in present subsection (i) deleted the first sentence and in the final sentence substituted "Veterinary Technician shall" for

"animal technician in such employ shall also" and substituted "his or her place of employment" for "such place"; in present subsection (j) deleted subdivisions (2) and (4), redesignated subdivisions (3) and (5)-(10) as subdivisions (2)-(8), respectively, in the introductory matter substituted "shall revoke the license of any Veterinary Technician convicted of or pleading nolo contendere to a felony, a crime involving moral turpitude, or who" for "may deny or suspend or revoke any license upon the grounds that the applicant for Veterinary Technician" and inserted "one or more of the following", in present subdivision (2) substituted "diagnosis or treatment of a Veterinarian" for "Veterinarian's diagnosis or treatment", and in present subdivision (7) substituted a concluding period for "; or"; in the undesignated subsection substituted "The" for "Said", deleted "such" preceding "license", deleted "the provisions of" preceding "this article", substituted "or" for "and/or", inserted ", or both,", substituted "the Administrative Code of the" for "any of the rules and regulations of said", and substituted "Montgomery County" for "the county in which the Veterinary Technician resides"; in present subsection (k) substituted "a Veterinary" for "an animal", substituted "or any Licensed Veterinary Technician working in a Veterinary Office without a license" for "as herein provided or any person who is employed as an animal technician whose employer has not obtained a permit", deleted "and upon conviction for the first offense shall be fined not less than \$50.00 nor more than \$500.00, and for the second offense not less than \$250.00 nor more than \$500.00 and may also be imprisoned at hard labor not less than three months nor more than four months" following "misdemeanor", and substituted "Medical Examiners" for "medicine"; in present subsection (l) substituted "Administrative Code of the Board" for "Board Bylaws"; and made nonsubstantive changes.

The 2006 amendment, effective July 1, 2006, in subsection (a), in subdivision (2) substituted "dean or the registrar of the school, college," for "registrar of the college"; in subsection (c), in subdivision (1) deleted "at least annually" following "held", deleted "no later than 90 days prior to the scheduled examination" following "board" and added the second sentence, and in subdivision (2) inserted "on the AVMA approved National Licensing Examination", substituted "professional examination provider based on a national criteria which reflects a passing score of at least 70 percent" for "examining board prior to the administration of the exam" and inserted "and meets all other requirements for licensure"; redesignated subsections (k)-(m) as subsections (l)-(n), respectively; inserted the subsection (k) designator; and rewrote subsection (n).

REFERENCES

CROSS REFERENCES

As to euthanasia of animals, see Article 6 (commencing with § 34-29-130) of Chapter 29 of this title.

ADMINISTRATIVE CODE

23 Ala. Admin. Code 930-X-1-.12, Board of Veterinary Medicine; Continuing Education Requirements.

LIBRARY REFERENCES

American Digest System:

Physicians and Surgeons ☒ 4, 6(1), 10.

Corpus Juris Secundum:

C.J.S. Physicians, Surgeons, and other Health-Care Providers §§ 2-3, 5, 11, 14-15, 19-20, 28, 53, 57.

ARTICLE 5. IMPAIRED VETERINARY PROFESSIONALS.

§ 34-29-110. Definitions. [Historical Notes](#)

For the purposes of this article the following terms shall have the following meanings:

(1) Impaired. The inability of a veterinary professional to practice veterinary medicine or veterinary technology with reasonable skill and safety to patients by reason of illness, inebriation, excessive use of drugs, narcotics, alcohol, chemicals, or other substances, or as a result of any physical or mental condition.

(2) Veterinary professional. A veterinary licensed to practice veterinary medicine and veterinary technicians who are licensed to practice veterinary technology.

(Act 2000-453, p. 815, § 1.)

HISTORICAL NOTES

HISTORY

Effective date:

The act which added this section is effective August 1, 2000.

§ 34-29-111. Duties of board; Alabama Veterinary Professionals Wellness Committee; liability. [Historical Notes](#) [References](#)

(a) It shall be the duty and obligation of the State Board of Veterinary Medical Examiners to promote the early identification, intervention, treatment, and rehabilitation of veterinary professionals licensed to practice veterinary medicine or veterinary technology in Alabama who may be impaired by reason of illness, inebriation, excessive use of drugs, narcotics, alcohol, chemicals, or other substances, or as a result of any physical or mental condition.

(b) In order to carry out this obligation the State Board of Veterinary Medical Examiners may contract with any nonprofit corporation or medical professional association for the purpose of creating, supporting, and maintaining a committee of veterinary professionals to be designated the Alabama Veterinary Professionals Wellness Committee. The committee shall consist of not less than 10 nor more than 15 veterinary professionals licensed to practice in Alabama and selected in a manner prescribed by the board. The board may expend available funds as necessary to adequately provide for the operational expenses of the Alabama Veterinary Professionals Wellness Committee, including, but not limited to, the actual cost of travel, office overhead, and personnel expense. The funds provided by the board for the purpose of operating expenses shall not be subject to any provision of law requiring competitive bidding.

(c) The Board of Veterinary Medical Examiners may enter into an agreement with a nonprofit corporation or medical professional association for the Alabama Veterinary

Professionals Wellness Committee to undertake those functions and responsibilities specified in the agreement which may include any or all of the following:

- (1) Contracting with providers of treatment programs.
- (2) Receiving and evaluating reports of suspected impairment from any source.
- (3) Intervening in cases of verified impairment.
- (4) Referring impaired veterinary professionals to treatment programs.
- (5) Monitoring the treatment and rehabilitation of impaired veterinary professionals.
- (6) Providing post-treatment monitoring and support of rehabilitated impaired veterinary professionals.

(7) Performing other activities as agreed by the Board of Veterinary Medical Examiners and the Alabama Veterinary Professionals Wellness Committee.

(d) The Alabama Veterinary Professionals Wellness Committee shall develop procedures in consultation with the Board of Veterinary Medical Examiners for the following:

- (1) Periodic reporting of statistical information regarding impaired veterinary professionals program activity.
- (2) Periodic disclosure and joint review of the information as the board deems appropriate regarding reports received, contracts or investigations made, and the disposition of each report, provided, however, that the committee shall not disclose any personally identifiable information except as provided in this article.

(e) Any veterinary professional licensed in Alabama who shall be duly appointed to serve as a member of the Alabama Veterinary Professionals Wellness Committee and any auxiliary personnel, consultants, attorneys, or other volunteers or employees of the committee taking any action authorized by this article, engaging in the performance of any duties on behalf of the committee, or participating in any administrative or judicial proceeding resulting therefrom, shall, in the performance and operation thereof, be immune from any liability, civil or criminal, that might otherwise be incurred or imposed. Any nonprofit corporation or medical professional association or state or county veterinary medical association that contracts with or receives funds from the State Board of Veterinary Medical Examiners for the creation, support, and operation of the Alabama Veterinary Professionals Wellness Committee shall, in so doing, be immune from any liability, civil or criminal, that might otherwise be incurred or imposed.

(f) All information, interviews, reports, statements, memoranda, or other documents furnished to or produced by the Alabama Veterinary Professionals Wellness Committee and any findings, conclusions, recommendations, or reports resulting from the investigations, interventions, treatment, or rehabilitation, or other proceedings of such committee are declared to be privileged and confidential. All records and proceedings of the committee pertaining to the impaired veterinary professional shall be confidential and shall be used by the committee and the members thereof only in the exercise of the proper function of the committee and shall not be public records nor available for court subpoena or for discovery proceedings. In the event of a breach of contract between the committee and the impaired veterinary professional, any and all records pertaining to the conduct determined to cause the breach of contract will be disclosed to the regulatory board upon its request for disciplinary purposes only. Nothing contained herein shall apply to records made in the regular course of business of a veterinary professional and

information, documents, or records otherwise available from original sources are not to be construed as immune from discovery or use in any civil proceedings merely because they were presented or considered during the proceedings of the Alabama Veterinary Professionals Wellness Committee.

(g) The Alabama Veterinary Professionals Wellness Committee shall render an annual report to the State Board of Veterinary Medical Examiners concerning the operations and proceedings of the committee for the preceding year. The committee shall report to the board any veterinary professional who in the opinion of the committee is unable to practice veterinary medicine or veterinary technology with reasonable skill and safety to patients by reason of illness, inebriation, excessive use of drugs, narcotics, alcohol, chemicals, or other substances, or as a result of any physical or mental condition when it appears that the veterinary professional is currently in need of intervention, treatment, or rehabilitation and the veterinary professional has failed or refused to participate in programs of treatment or rehabilitation recommended by the committee. A report to the Alabama Veterinary Professionals Wellness Committee shall be deemed to be a report to the Board of Veterinary Medical Examiners for the purposes of any mandated reporting of veterinary professional impairment otherwise provided for by law.

(h) If the Board of Veterinary Medical Examiners has reasonable cause to believe that a veterinary professional is impaired, the board may cause an evaluation of the veterinary professional to be conducted by the Alabama Veterinary Professionals Wellness Committee for the purpose of determining if there is an impairment. The Alabama Veterinary Professionals Wellness Committee shall report the findings of its evaluation to the Board of Veterinary Medical Examiners.

(Act 2000-453, p. 815, § 2.)

HISTORICAL NOTES

HISTORY

Effective date:

The act which added this section is effective August 1, 2000.

REFERENCES

ADMINISTRATIVE CODE

23 Ala. Admin. Code 930-X-1-.34, Board of Veterinary Medicine; Alabama Veterinary Professionals Wellness Committee.

LIBRARY REFERENCES

American Digest System:

Physicians and Surgeons ☒5(1), 10.

Corpus Juris Secundum:

C.J.S. Physicians, Surgeons, and other Health-Care Providers §§ 12-13, 18, 53, 57.

ARTICLE 6. EUTHANASIA OF ANIMALS.

HISTORICAL NOTES

HISTORY

Effective date:

The act which added this article is effective August 1, 2004.

REFERENCES

ADMINISTRATIVE CODE

23 Ala. Admin. Code 930-X-1-.35, Board of Veterinary Medicine; Certified Euthanasia Technicians (CET) for the Humane Euthanasia of Animals.

23 Ala. Admin. Code 930-X-1-.36, Board of Veterinary Medicine; Registered Animal Euthanasia Facility (RAEF) for the Humane Euthanasia of Animals.

§ 34-29-130. Permit to purchase, possess, and use certain agents for euthanizing animals. [Historical Notes](#)

(a) The State Board of Veterinary Medical Examiners, hereinafter called the board, shall adopt rules providing for the issuance of permits authorizing the purchase, possession, and use of sodium pentobarbital, sodium pentobarbital with lidocaine, or other similar agents at facilities approved by the board that are operated for the collection and care of stray, neglected, abandoned, or unwanted dogs and cats, or federally licensed wildlife rehabilitation centers, for the purpose of euthanizing injured, sick, or abandoned animals which are in their lawful possession. The rules shall set forth guidelines for the proper storage and handling of the substances and other provisions as may be necessary to ensure that these drugs are used solely for the purpose set forth in this section. The rules shall also provide for an application or inspection fee and an annual renewal fee.

(b) Any facility approved by the board that operates for the collection and care of stray, neglected, abandoned, or unwanted dogs and cats, or a federally licensed wildlife rehabilitation center may apply to the board for a permit to purchase, possess, and use sodium pentobarbital and sodium pentobarbital with lidocaine pursuant to subsection (a). Upon certification by the board that the applicant meets the qualifications set forth in the rules, a permit shall be issued.

(c) The board may revoke or suspend the permit upon a determination that the permittee is using the scheduled substances for any purpose other than that set forth in this section or if the permittee fails to follow the rules of the board regarding proper storage and handling of the substance.

(Act 2004-523, p. 1067, § 1.)

HISTORICAL NOTES

HISTORY

Effective date:

The act which added this section is effective August 1, 2004.

§ 34-29-131. Injectable agents; inhalant agents; who may perform euthanasia.

Historical Notes

(a) The board may provide by rule that sodium pentobarbital, a sodium pentobarbital derivative, or other agent that acts on the central nervous system shall be the only injectable agents for euthanasia of dogs and cats at facilities approved by the board that are operated for the collection and care of stray, neglected, abandoned, or unwanted dogs and cats.

(b) The board shall promulgate rules providing for the use of carbon monoxide, CO, and inhalant anesthetics as an acceptable alternative to the injectable agents for individual animals or mass euthanasia in small animals. Rules shall include provisions for the type of chamber and gas used, training and inspection requirements, humane comfort of animals, and safety precautions for personnel.

(c) Euthanasia shall be performed only by a licensed veterinarian or an employee or agent of a facility approved by the board that is operated for the collection and care of stray, neglected, abandoned, or unwanted animals, provided the employee or agent has successfully completed a euthanasia technician certification course. The curriculum for the course shall be approved by the board and shall include, at a minimum, all of the following:

- (1) The pharmacology, proper administration, and storage of euthanasia solutions.
- (2) Federal and state laws regulating the storage and accountability of scheduled drugs.
- (3) OSHA Safety and Material Safety Data Sheet Regulations.
- (4) Euthanasia stress management.
- (5) Proper disposal of euthanized animals.

(d) Notwithstanding the foregoing, a licensed veterinary technician, in accordance with Section 34-29-94, and regulations adopted pursuant thereto, who is an employee or agent of a licensed veterinarian or animal shelter as defined in Section 34-29-130, may perform euthanasia without completing the certification course required by subsection (c).

(Act 2004-523, p. 1067, § 2.)

HISTORICAL NOTES

HISTORY

Effective date:

The act which added this section is effective August 1, 2004.

§ 34-29-132. Euthanasia in emergency situation. [Historical Notes](#)

Whenever an emergency situation exists which requires the immediate euthanasia of an injured, diseased, or dangerous animal, a law enforcement officer, a veterinarian, or an agent or designee of a local animal control unit may humanely destroy the animal, as provided herein.

- (1) Whenever any domestic animal is so injured or diseased as to appear useless and is in a suffering condition, and it reasonably appears to any officer that the animal

is imminently near death and cannot be cured or rendered fit for service, and the officer has made a reasonable and concerted, but unsuccessful, effort to locate the owner, the owner's agent, or a veterinarian, then the officer, acting in good faith and upon reasonable belief, may immediately destroy the animal by shooting the animal or injecting the animal with a barbiturate drug. If the officer locates the owner or the owner's agent, the officer shall notify the owner or the owner's agent of the animal's location and condition. If the officer locates only a veterinarian, the officer shall destroy the animal only upon the advice and recommendation of the veterinarian.

(2) In the absence of negligence, wantonness, or willful conduct, no officer or veterinarian acting in good faith and with due care pursuant to this article may be held liable either criminally or civilly for euthanizing an animal, nor shall any civil or criminal liability attach to the employer of the officer or veterinarian.

(3) A court order shall not be necessary to carry out the provisions of this section.
(Act 2004-523, p. 1067, § 3.)

HISTORICAL NOTES

HISTORY

Effective date:

The act which added this section is effective August 1, 2004.

§ 34-29-133. Animals not to be left unattended until death; disposal of body upon confirmation of death. [Historical Notes](#)

No animal may be left unattended between the time euthanasia procedures are first begun and the time that death occurs, nor may the body of the animal be disposed of until death has been confirmed by a euthanasia technician or other qualified person as defined by this chapter.

(Act 2004-523, p. 1067, § 4.)

HISTORICAL NOTES

HISTORY

Effective date:

The act which added this section is effective August 1, 2004.

§ 34-29-134. Violations of article. [Historical Notes](#)

(a) The Attorney General may bring action to enjoin any violation of this article.

(b) Any person who violates this article shall be guilty of a Class B misdemeanor and upon conviction shall be punished as provided by law.

(Act 2004-523, p. 1067, §§ 5, 6.)

HISTORICAL NOTES

HISTORY

Effective date:

The act which added this section is effective August 1, 2004.

§ 34-29-135. Relation to Section 34-29-94. [Historical Notes](#)

Notwithstanding the provisions of Section 34-29-94, this article shall prevail in all cases in which there is a direct conflict.

(Act 2004-523, p. 1067, § 9.)

HISTORICAL NOTES

HISTORY

Effective date:

The act which added this section is effective August 1, 2004.

Board Members



Theresa S. Chandler
Executive Director

ALABAMA STATE BOARD OF VETERINARY MEDICAL EXAMINERS

**P. O. BOX 1968
DECATUR AL 35602-1968**

**(256) 353-3544
(256) 350-5629 (fax)**

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Patricia A. Christman
Executive Secretary

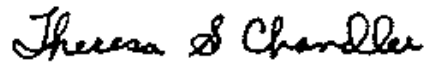
The following tendered this 11th day of June 2008 is a list of Board Members who are now serving:

Board Member:	Mailing Address	Term
Hon. William Sternberg DVM President Doctor Veterinary Medicine	1249 Meriwether Road Montgomery, AL 36117	12-4-07 thru 8-31-11
Hon. John R. Grider DVM Vice-President Doctor Veterinary Medicine	506 South Alabama Avenue Monroeville, AL 36460	8-28-04 thru 8-27-08
Hon. Jim W. Benefield DVM Doctor Veterinary Medicine	8236 Wynlakes Blvd. Montgomery, AL 36117	10-18-05 thru 7-8-09
Hon. Albert Corte Jr. DVM Doctor Veterinary Medicine	27367 U.S. Highway 98 Daphne, AL 36526	6-27-06 thru 3-14-10
Hon. Robert D. Horne DVM Doctor Veterinary Medicine	295 Chewacla Drive Auburn, AL 36830	6-12-07 thru 6-11-11
Hon. Robert E. Pitman DVM Doctor Veterinary Medicine	1701 U.S. Highway 72 East Athens, AL 35611-4413	1-3-07 thru 10-10-10
Hon. Janet R. Duke LVT Licensed Veterinary Technician	3454 West Main Street Dothan, AL 36305	6-27-06 thru 3-14-10
Hon. Nancy L. Pett Public Member	3186 N. Bethel Road Decatur, AL 35603	6-27-06 thru 3-14-10

Official		
Theresa S. Chandler Executive Director Alabama State Board of Veterinary Medical Examiners	P. O. Box 1968 Decatur, AL 35602 (256) 353-3544 FAX: (256) 350-5629 Web: www.asbvme.us	Appointed July 1, 1995
Legal Counsel		
Hon. Todd E. Hughes Legal Counsel Assistant Attorney General	Attorney General Office 11 S. Union Street 4th Floor Montgomery, AL 36130	N/A

FOR THE ALABAMA STATE BOARD
OF VETERINARY MEDICAL EXAMINERS

Respectfully submitted July 11, 2008,



Theresa S. Chandler, Executive Director

RESPONSE TO SIGNIFICANT ITEMS



ALABAMA STATE BOARD OF VETERINARY MEDICAL EXAMINERS

P. O. Box 1968, Decatur AL 35602-1968

August 28, 2008

Board Members

William Sternenberg, DVM
President
Montgomery, AL

John R. Grider, DVM
Vice-President
Monroeville, AL

Jim W. Benefield, DVM
Montgomery, AL

Albert Corte Jr., DVM
Daphne, AL

Robert D. Horne, DVM
Tuskegee, AL

Robert E. Pitman, DVM
Athens, AL

Janet R. Duke, LVT
Dothan, AL

Ms. Nancy L. Pett
Decatur, AL

Staff

Ms. Theresa S. Chandler
Executive Director

Ms. Patricia A. Christman
Executive Secretary

Ms. Nolanda M. Smiley
Administrative Support

Mr. Eddie Frederick
Investigator

A. David Hayes, DVM, PhD.
Premise Evaluator

Charles A. Payton, DVM
Premise Evaluator

Ralph W. Womer, Jr., DVM
Premise Evaluator



Mr. John E. Norris
Director, Operational Division
State of Alabama
Examiners of Public Accounts
P. O. Box 302251
Montgomery, AL 36130-2251

Dear Mr. Norris:

This is in response to your correspondence dated August 19, 2008 in reference to the significant items noted in the Examiners of Public Accounts' report of our operations for Sunset Review. The following information is given in response:

Item #1. Tuskegee University School of Veterinary Medicine reduced to limited accreditation.

This Board has no interaction with either Tuskegee University or Auburn University except for the interaction with the graduates from the individual schools of veterinary medicine. The Board is aware that there was a change in the accreditation at Tuskegee University. As a part of the accreditation process, the Board has been assured by the Administration at Tuskegee that this is being actively addressed to return its status to Full Accreditation. This limited status does not affect the students currently in the program.

Tuskegee has been through the first year cycle of exams since the change in status and the students achieved around the 88th percentile. We feel that the areas of concern have been addressed and there is no concern for future students in respect to licensure.

Item #2. The board is involved in a lawsuit concerning license practices.

The Board is in the appellate phase of a lawsuit brought against the Board by an individual who has not been able to meet the passing criteria of the National Examination. During the discovery phase of this lawsuit, it was found that three (3) individuals were apparently licensed by mistake in 1989 and 1991. At trial, Judge Price reviewed this matter thoroughly and found this to be no more than a clerical error. He specifically found no evidence of nefarious behavior by the Board.

This case has been mediated and we are now awaiting the appellate court ruling. We believe that any ruling in this matter will not impact the Board's current licensing procedures.

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Item #3. The Governor has been requested to appoint a special board.

The Board has been petitioned by a licensed Veterinarian's attorney to recuse the current members of the Board for one particular disciplinary hearing only. Though bias was not clearly proven to be a factor for the entire board, the Respondent's attorney argued that the bias of one could have influence over the others. Counsel for the Board determined that the seriousness of this case would almost certainly involve future appellate litigation. The decision to grant the Respondent's petition was both to avoid any appearance of bias and to eliminate appellate issues.

The appointment of ex-officio members or special members to hear this one specific case is granted under Section 34-29-79 (d) and should in no way be affected by Section 34-29-64 (b). There is no effort to remove any members from their current sitting terms to effect the appointment of ex-officio members for this case. There are no grounds, alleged or otherwise given, to remove any member in this matter based on any misconduct of other delineated provisions of 34-29-64 (b). The standing members will continue to act in totum for all other aspects of the Board's business.

The appointment of the ex-officio members is to constitute a quorum for this one disciplinary hearing and nothing else. Sections 64 and 79 in this case are independent of each other and one does not affect the other in that no one is seeking the removal of any member(s) from the Board.

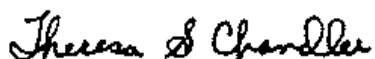
Prior Finding as it is related to Item #3:

In the brief review of Rule 930-X-1-.30 it appears to be a simple matter of removing the language "**If a quorum is impossible, ex-officio members shall be appointed as necessary.**" There are other items under Board discussion that will require a rule making change in early 2009 and this will be corrected during those proceedings.

If we can provide any additional information, please let us know.

Respectfully yours,

FOR THE ALABAMA STATE BOARD OF
VETERINARY MEDICAL EXAMINERS



Theresa S. Chandler
Executive Director